

SENATE.

WEDNESDAY, May 16, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

TRAVELING EXPENSES OF ARMY NURSES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army, together with a signed memorandum, urging that provision be made in the general deficiency appropriation bill for the traveling expenses of Army nurses employed since the beginning of the Spanish-American war; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

FISHERIES OF HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the United States Commissioner of Fish and Fisheries, submitting an estimate of appropriation, \$6,500, for the investigation of fisheries of Hawaii, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LIEUT. COL. CHARLES J. ALLEN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, submitting a communication from Lieut. Col. Charles J. Allen, Corps of Engineers, stating certain facts and circumstances pertaining to a disallowance of \$9.88 for mileage, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

CAPT. H. C. NEWCOMER.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, submitting a communication from Capt. H. C. Newcomer, Corps of Engineers, United States Army, presenting certain facts pertaining to disallowances for mileage, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 4400) for the relief of Frank E. Kellogg, of the Sixth internal-revenue district of Missouri, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 6063) to amend chapter 2 of the laws passed by the first session of the Fifty-fifth Congress of the United States, being an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

The bill (H. R. 8765) for the relief of John C. Smith was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 8925) to authorize the detail of an officer of the retired list of the Army as adjutant-general of the District of Columbia militia was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 9389) to authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 10921) granting to Keokuk and Hamilton Water Power Company right to construct and maintain wing dam, canal, and power station in the Mississippi River in Hancock County, Ill., was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 11537) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

JOHN M. SMITH.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill of the House (H. R. 5156) granting an increase of pension to John M. Smith.

JAMES H. LATHAM.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6) for the relief of James H. Latham.

The amendment was, in line 11, after the word "date," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. HAWLEY. I know the bill very well. I move concurrence in the amendment made by the House.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Bernhards Bay Grange, No. 822, Patrons of Husbandry, of New York, and a petition of South Richland Grange, No. 256, Patrons of Husbandry, of New York, praying for the enactment of legislation to secure to the people of the country the advantages of State control of imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Bernhards Grange, No. 822, Patrons of Husbandry, of New York, praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented the petition of J. J. Mulligan, president of the Ninth division, National Association of Railway Postal Clerks, of Utica, N. Y., praying for the enactment of legislation providing for the reclassification of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Branch No. 211, National Association of Letter Carriers, of Cortland, N. Y., praying for the enactment of legislation increasing the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Business Men's Association of Canastota, N. Y., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented petitions of the Woman's Christian Temperance Union and sundry churches of Edgartown, and of the congregations of the First Baptist Church, the Methodist Episcopal Church, and the Congregational Church, of Natick, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. PENROSE presented a petition of Captain William Tice Post, No. 471; Post No. 467; Post No. 494, and Sedgwick Post, No. 42, Grand Army of the Republic, Department of Pennsylvania, praying for the enactment of legislation providing for the pensioning at the rate of \$12 per month of all honorably discharged soldiers who served in the Union armies during the civil war, or their widows; which was referred to the Committee on Pensions.

He also presented sundry petitions of citizens of Reading, Pottsville, Womelsdorf, Allentown, Myerstown, Ashland, Pittsburg, Harrisburg, Philadelphia, Williamsport, Roslyn, Rushland, Buckingham, and Driftwood, all in the State of Pennsylvania, praying for the enactment of legislation providing for the reclassification of clerks in the Railway Mail Service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PRITCHARD presented a petition of the Chamber of Commerce and Industry of Raleigh, N. C., praying for the enactment of legislation to increase the appropriation for the work of measuring the flow of rivers in the United States; which was referred to the Committee on Appropriations.

He also presented a petition of the Board of Trade of Asheville, N. C., praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented petitions of the Ex-Slave Mutual Relief, Bounty, and Pensions Associations of James City and Aaron, N. C., praying for the enactment of legislation granting pensions to ex-slaves; which were ordered to lie on the table.

Mr. PERKINS presented a petition of the congregation of the Presbyterian Church of Skyland, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in our new island possessions; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the prompt survey of the public lands; which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., relating to the appropriation of \$200,000 for the Philadelphia Commercial Museum; which was ordered to lie on the table.

He also presented a petition of the Farm and Home Improvement Society of Escondido, Cal., and a petition of the Horticultural Society of Santa Barbara, Cal., praying for the enactment of legislation providing for the reclamation and irrigation of arid lands; which were referred to the Committee on Public Lands.

Mr. PLATT of Connecticut presented a petition of the Retail Druggists' Association of New Haven, Conn., and a petition of sundry druggists of New Haven, Conn., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented a petition of Lyme Grange, No. 147, Patrons of Husbandry, of Hamburg, Conn., praying for the enactment of legislation providing for the extension of the mail service, for the enactment of anti-trust laws, for the establishment of postal savings banks, for the construction of the Nicaragua Canal, for the election of United States Senators by a direct vote of the people, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the congregations of the Hope Congregational, the Wesley Methodist Episcopal, the First Presbyterian, and the Park Congregational churches, of the French American College, the Epworth League, and of the Young People's Society of Christian Endeavor, all of Springfield, in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

ADDITIONAL POWERS OF INTERSTATE COMMERCE COMMISSION.

Mr. PETTIGREW. I present a paper in the nature of a petition, from the Michigan State Millers' Association, praying for the immediate adoption of certain amendments to the act to regulate commerce. I move that the paper be printed as a document and referred to the Committee on Interstate Commerce, who are considering the question.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORGAN, from the Committee on InterOceanic Canals, submitted a report to accompany the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, heretofore reported by him.

Mr. McCUMBER, from the Committee on Claims, to whom was referred the bill (H. R. 5324) for the relief of the employees of William M. Jacobs, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2037) for the relief of George L. Merrill, reported it with amendments, and submitted a report thereon.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the amendment submitted by himself on the 12th instant, proposing to appropriate \$5,000 to reimburse John W. Hoyt for expenses incurred in the preparation of his report on education in connection with the Paris Exposition, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 1773) for the relief of the Marion Trust Company, administrator of the estate of Samuel Miliken, deceased, of Indianapolis, Ind., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1707) for the relief of George W. McCray, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. SPOONER on the 15th instant, proposing to appropriate \$11,167.35 to be paid to the devisees named in the will of James W. Schaumburg, deceased, being the amount of the pay and allowance of a first lieutenant of dragoons from July 1, 1836, to March 24, 1845, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 14th instant, proposing to appropriate \$875 to pay Mary B. Spencer, administratrix of the estate of Albert G. Boone, deceased, the amount due said estate per the certificate of the Quartermaster-General, United States Army, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. KEAN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4573) for the relief of George W. Quintard, of the Morgan Iron Works; and

A bill (S. 3532) for the relief of G. H. Sowder.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2708) granting an increase of pension to Cecelia B. Chauncey;

A bill (H. R. 7180) granting an increase of pension to Amelia A. Taylor;

A bill (H. R. 2634) granting an increase of pension to Erasmus Darwin Steen; and

A bill (H. R. 4649) granting a pension to William Bates.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3980) granting an increase of pension to John A. Lynch, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 4398) granting a pension to Julius Vogt, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 7th instant, proposing to appropriate \$462,441.97 to pay the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 3522) granting an increase of pension to Eben E. Pushor, reported it with amendments, and submitted a report thereon.

MERCHANDISE IN TRANSIT.

Mr. JONES of Nevada. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. 3334) to amend section 3005 of the Revised Statutes of the United States, to report it favorably and to submit a report thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3005 of the Revised Statutes of the United States be amended to read as follows:

"Sec. 3005. All merchandise arriving at any port of the United States destined for any foreign country may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as to examination and transportation as the Secretary of the Treasury may prescribe."

SEC. 2. That the joint resolution entitled "Joint resolution in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States," approved March 1, 1895, be, and the same is hereby, repealed, and the full operation of section 3005 of the Revised Statutes as existing prior to the adoption of such joint resolution is hereby revived.

Mr. PETTIGREW. I should like to inquire if this bill has the unanimous support of the Committee on Finance?

Mr. JONES of Nevada. I believe it has. I have heard no objection whatever to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF ALBERT G. BOONE, DECEASED.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 4623) for the relief of Mary B. Spencer, administratrix of Albert G. Boone, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the bill (S. 4623) entitled "A bill for the relief of Mary B. Spencer, administratrix of Albert G. Boone, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

JOSEPH WILLIAMS.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 4577) for the relief of Joseph Williams, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the bill (S. 4577) entitled "A bill for the relief of Joseph Williams," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4729) granting an increase of pension to Mary E. Sims (with an accompanying paper);

A bill (S. 4730) granting an increase of pension to Lewis Gerard; and

A bill (S. 4731) granting an increase of pension to Henrietta M. Leiper (with an accompanying paper).

Mr. McMILLAN introduced a bill (S. 4732) to amend Title LXV of the Revised Statutes of the United States, relating to telegraph companies; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER introduced a bill (S. 4733) granting a pension to Caroline N. Allen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 4734) granting a pension to Mary A. O'Brien; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 4735) for the relief of the Norfolk Seamen's Friend Society, of Norfolk, Va.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HANNA introduced a bill (S. 4736) granting an increase of pension to Edward M. Duff; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 4737) for the relief of the estate of Robert Daniel, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4738) to refer the claim against the United States of the trustees of the Cumberland Presbyterian Church, of Athens, Limestone County, Ala., to the Court of Claims, which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS submitted an amendment proposing to appropriate \$100 to pay the subscription of the United States to the Bureau of Arbitration of the Inter-Parliamentary Union at Berne, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to appropriate \$5,000 for repairs and improvements to the buildings and grounds of the New Albany National Cemetery, at New Albany, Ind., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER submitted an amendment proposing to appropriate \$115.20 to pay the claim of Mr. R. V. Flora against the United States for feeding United States prisoners at the county jail at Leavenworth, Kans., intended to be proposed to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate \$904.55 to reimburse the city of Leavenworth for assessments paid for the benefit of United States property, intended to be proposed to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. PENROSE. On the 9th instant I submitted an amendment proposing to appropriate \$3,389.08 to pay Edward Bedloe, late consul of the United States at Canton, China, for the amount of salary still unpaid from October 8, 1898, to January 15, 1900, at the rate of \$3,500 per annum, intended to be proposed by me to the general deficiency appropriation bill, and it was improperly referred to the Committee on Appropriations. I move that the Committee on Appropriations be discharged from the further consideration of the amendment, and that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CULBERSON submitted an amendment proposing to increase the appropriation for establishing a light and fog-signal station on Sabine Bank in the Gulf of Mexico, off Sabine Pass, from \$50,000 to \$80,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTUS submitted an amendment proposing to appropriate \$450 to pay W. Louis George, Wonder O. George, and Rebecca Samantha George, or to their legal representatives, the amount of a finding of the Southern Claims Commission made in 1879 in their favor, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

GOVERNMENT OWNERSHIP OF RAILROADS.

Mr. PETTIGREW. I offer a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Senate 10,000 copies of Senate Document No. 53, first session, Fifty-sixth Congress.

The PRESIDENT pro tempore. How large a document is it? Has the Senator any idea as to its cost?

Mr. PETTIGREW. I have had an estimate made, and 10,000 copies will come within the \$500 limit. It is a reprint of a document the supply of which has been exhausted, and there is a great demand for it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. I do not object to the adoption of the resolution, but I think the Senate ought to understand that it is simply printing a political document for gratuitous distribution.

Mr. PETTIGREW. I desire to correct the Senator's error. The document is in no sense a political document, but it is a compilation of facts and information with regard to the Government ownership of railroads. There has been such a demand for it that more than 15 members of this body have come to me desiring copies for their constituents. It is in no sense a political document, unless political parties shall in the future array themselves on opposite sides of this great question.

Mr. ALDRICH. One of the great parties, of which the Senator is a member, has already arrayed itself on the side of the Government ownership of railroads, as I understand, and this is simply an argument, not a philosophical argument, but simply an argument in favor of the Government ownership of railroads, printed, in the first place, by the Senate perhaps without knowing what it was. I do not object to the publication now, but I simply desire that the Senate shall understand that it is what I stated before—a gratuitous distribution by the Government of the United States of a political document in favor of the tenets of one political party.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

IMPORTATION OF JAPANESE LABORERS.

Mr. LODGE. I submit a resolution of inquiry, for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Commissioner-General of Immigration is hereby directed to send to the Senate any information he may have in regard to the importation of Japanese laborers under contract in violation of the contract-labor laws.

Mr. SPOONER. I think the resolution should be addressed to the Secretary of the Treasury. It has not been customary, I think, for the Senate to deal with bureau officers.

Mr. LODGE. Very well; I will modify it. Let the words "Secretary of the Treasury" be substituted.

The PRESIDENT pro tempore. The Senator from Massachusetts modifies his resolution. The modification will be stated.

The Secretary read as follows:

That the Secretary of the Treasury is hereby directed, etc.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

REPORT OF PHILIPPINE COMMISSION.

Mr. LODGE submitted the following concurrent resolution; which, with the accompanying memorandum, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That of each of the remaining volumes of the Philippine Commission's report there shall be printed and bound 15,000 copies, 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives;

That, in addition thereto, there be printed 1,500 copies of each for the use of the Philippine Commission;

That, for the special use of the Department of State, there be printed of the full report 200 copies on 70-pound paper and bound in half morocco; and

That of the supplement to the commission's report there be printed, for the use of the Department of State, 1,500 copies in royal octavo and bound in half morocco.

J. M. RICHARDSON, DECEASED.

Mr. MALLORY submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Sarah H. Merchant and Irene I. McCreary, sisters of J. M. Richardson, deceased, late a clerk to the Hon. S. R. MALLORY, of Florida, a sum equal to six months' salary at the rate paid by law to said clerk, said sum to include funeral expenses and all other allowances.

EMPLOYMENT OF STENOGRAPHER.

Mr. CULLOM submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings held and to be held by the Committee on Interstate Commerce be paid from the contingent fund of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4129) to detach the county of Dyer from the eastern division of the western district of Tennessee, and to attach the same to the western division of the western district of said State of Tennessee.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate: A bill (H. R. 11213) for the relief of occupants of lands included in the Algodones grant in Arizona; and

A bill (H. R. 11538) making appropriations for the support of

the Military Academy for the fiscal year ending June 30, 1901, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 36) granting an increase of pension to Emma G. Sargent;
 A bill (S. 135) granting an increase of pension to Frances C. De Russey;
 A bill (S. 139) granting a pension to Adelaide Sessions;
 A bill (S. 289) granting a pension to John B. Turchin;
 A bill (S. 299) granting a pension to Susanna Marion;
 A bill (S. 316) granting an increase of pension to Louann A. Parry;
 A bill (S. 477) granting a pension to Levi C. Faught;
 A bill (S. 480) granting an increase of pension to Juliet Gregory;
 A bill (S. 649) granting an increase of pension to Martha Maddocks;
 A bill (S. 657) granting a pension to Matthew Redmond;
 A bill (S. 682) granting an increase of pension to Welhelmina Hipplen;
 A bill (S. 757) granting an increase of pension to William C. Stockton;
 A bill (S. 817) granting an increase of pension to Julia A. Taylor;
 A bill (S. 1029) granting a pension to Henry B. Lambe;
 A bill (S. 1030) granting a pension to Catharine Harris;
 A bill (S. 1031) granting an increase of pension to Thomas H. Keaney;
 A bill (S. 1191) granting an increase of pension to Orpha W. Reynolds;
 A bill (S. 1266) granting a pension to Jacob Saladin;
 A bill (S. 1319) granting an increase of pension to Annie E. Joseph;
 A bill (S. 1578) granting an increase of pension to George W. Campbell, alias George W. Smith;
 A bill (S. 1601) granting an increase of pension to John Thornton;
 A bill (S. 1603) granting an increase of pension to John W. Kaump;
 A bill (S. 1803) granting an increase of pension to Richard L. Tittsworth;
 A bill (S. 1833) granting a pension to Mary B. Christopher;
 A bill (S. 1909) granting an increase of pension to Cecelia A. Price;
 A bill (S. 1918) granting an increase of pension to John E. Higgins;
 A bill (S. 1954) granting a pension to Edward L. Ruby;
 A bill (S. 2154) granting an increase of pension to William A. Owens;
 A bill (S. 2290) granting a pension to James Richardson;
 A bill (S. 2335) granting an increase of pension to John W. Blake;
 A bill (S. 2344) granting a pension to Alice V. Cook;
 A bill (S. 2441) granting a pension to Felix G. Sitlen;
 A bill (S. 2463) granting an increase of pension to Ellen Leddy;
 A bill (S. 2510) granting an increase of pension to Caroline C. Townsend;
 A bill (S. 2570) granting an increase of pension to John M. Swift;
 A bill (S. 2650) granting an increase of pension to Katharine Taylor Dodge;
 A bill (S. 2652) granting an increase of pension to Louisa E. Baylor;
 A bill (S. 2657) to reimburse sundry collectors of internal revenue for internal-revenue stamps paid for and charged in their accounts and not received by them;
 A bill (S. 2764) granting an increase of pension to William Murphy;
 A bill (S. 2881) granting a pension to Mary A. Parker;
 A bill (S. 2983) granting an increase of pension to Isaac H. Lynn;
 A bill (S. 2994) granting an increase of pension to Fanny F. Robertson;
 A bill (S. 3033) granting an increase of pension to William J. Wallace;
 A bill (S. 3075) granting an increase of pension to Marie I. Blaisdell;
 A bill (S. 3200) granting a pension to John P. Hinsley;
 A bill (S. 3206) granting an increase of pension to Moses King, jr.;
 A bill (S. 3215) granting an increase of pension to Andrew F. Dinsmore;
 A bill (S. 3352) granting a pension to Sarah Kersey;
 A bill (S. 3380) granting an increase of pension to Hamilton K. Williams;

A bill (S. 3480) granting a pension to John Holland;
 A bill (S. 3502) granting a pension to Elizabeth Whisler;
 A bill (S. 3508) granting an increase of pension to Edward F. Phelps;
 A bill (S. 3630) granting an increase of pension to Jacob N. Smith;
 A bill (S. 3748) granting an increase of pension to Washington Baker;
 A bill (S. 3790) granting an increase of pension to Anna M. Collier;
 A bill (S. 3797) granting an increase of pension to John H. Streeter;
 A bill (S. 3879) granting an increase of pension to Isaac Ganse;
 A bill (S. 4030) granting a pension to Helen M. Glenn;
 A bill (H. R. 996) providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose;
 A bill (H. R. 8963) to fix the terms of the district and circuit courts of the western judicial district in the State of Louisiana;
 A bill (H. R. 9635) to establish light-house and fog signals in State of Washington; and
 A bill (H. R. 10780) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Ocala, in said district.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I notice by the Calendar that on Saturday, the 19th instant, at about 2 o'clock in the afternoon, the Senator from Missouri [Mr. COCKRELL] will ask the Senate to consider the contribution of the statues of Benton and Blair, now in Statuary Hall, by the State of Missouri, and to hear the addresses that may be delivered on that occasion. There is also a special order that the exercises appropriate to the reception and acceptance from the Grand Army of the Republic of the statue of Gen. Ulysses S. Grant, to be erected in the Capitol, shall take place Saturday, May 19, at 4 o'clock p. m.

I rise to make the request that after the routine morning business on Saturday, it being a broken day, the Senate may proceed to the consideration of unobjected pension cases on the Calendar for not exceeding forty-five minutes.

Mr. WOLCOTT. Mr. President, I hope the Senator will not insist upon that if the Post-Office appropriation bill shall still be pending.

Mr. GALLINGER. Certainly not.

Mr. WOLCOTT. I hope we shall get through with the appropriation bill to-morrow and the next day.

Mr. GALLINGER. I ask for the order, not to interfere with any appropriation bill.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that on Saturday next, after the completion of the morning routine business, forty-five minutes may be given to the consideration of unobjected pension cases on the Calendar, not, however, to interfere with the consideration of any appropriation bill.

Mr. GALLINGER. Not to interfere with any appropriation bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 1356) for the relief of Edwin L. Field.

REFUNDING OF INTERNAL-REVENUE TAXES.

The PRESIDENT pro tempore. If there be no further morning business, the Calendar under Rule VIII is in order.

Mr. RAWLINS. I ask unanimous consent for the present consideration of the bill (S. 95) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah.

Mr. BACON rose.

The PRESIDENT pro tempore. The resolution of the Senator from Georgia is subject to his call.

Mr. RAWLINS. I will not interpose any obstacle in the way of the Senator from Georgia.

Mr. BACON. I will yield in this case, if it is not to be followed up. I will yield for this particular bill.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent for the present consideration of a bill which will be read.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BACON. I consent only on condition that it does not lead to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The first amendment was, on page 1, line 6, after the word "names," to strike out the words "together with interest on such amounts at the rate of 5 per cent per annum from the 1st day of January, 1880;" so as to read:

That there be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to the persons, firms, and corporations hereinafter named, the amounts respectively placed opposite their names, the said amounts having been illegally assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the district of Utah in 1878 and 1879 as a tax of 10 per cent on notes used for circulation and paid out, such tax having been held illegal by the Supreme Court of the United States.

The amendment was agreed to.

The next amendment was, on page 3, line 5, after the word "dollars," to strike out:

Logan Branch of Zion's Cooperative Mercantile Institution, \$4,852.42.

The amendment was agreed to.

Mr. PLATT of Connecticut. I should like to have the report in this case read.

Mr. RAWLINS. I hope the Senator will not ask for the reading of the report. The bill has passed the Committee on Claims and the Committee on Appropriations. A similar bill has passed the Senate several times.

Mr. PLATT of Connecticut. I do not think anyone in the Senate knows what the bill is that is under consideration, and I myself at any rate should like to have an opportunity to know. There has been so much confusion here that I am sure the reading of it has not been listened to at all. I think if the report were read that perhaps there might be attention enough given to know what the bill is.

Mr. RAWLINS. I withdraw the bill for the present.

ESTATE OF JAMES YOUNG.

Mr. SEWELL. I ask unanimous consent—

Mr. BACON. Mr. President—

Mr. SEWELL. I ask unanimous consent to call up the bill (S. 3191) for the relief of the estate of James Young.

Mr. BACON. I have, under the unanimous consent of the Senate, the right now to have the Senate proceed to the consideration of the resolution introduced by me in reference to the investigation of Cuban receipts and expenditures.

Mr. SEWELL. I hope the Senator will allow me to call up this bill.

Mr. BACON. I have given way morning after morning for other business.

Mr. SEWELL. It will not take a minute.

Mr. BACON. The Senator from Utah has just withdrawn the bill which was before the Senate because he did not wish to occupy the time.

Mr. SEWELL. That was because his bill would bring about a controversy. I do not think this bill will, if the Senator will allow me to call it up. If it occupies any time, I will withdraw it.

Mr. BACON. I hope in granting this request I shall not be asked to grant another, because I wish to proceed with the resolution.

The PRESIDENT pro tempore. The Senator from New Jersey asks for the present consideration of a bill, which will be read.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay \$10,383.80 to the estate of James Young, in full satisfaction of all claims of the estate of every kind and description against the United States arising out of the use and occupation during the year 1898 of lands belonging to the estate at or near Middletown, Pa., by the military forces of the United States; said sum to be paid under the direction of the Secretary of War, who shall take proper releases and receipts from the estate of James Young.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. SPOONER. Mr. President, I desire to give notice that on Monday at 2 o'clock I shall ask the permission of the Senate to submit some observations on Senate bill 2335, which is now the unfinished business.

HOUSE BILLS REFERRED.

The bill (H. R. 11213) for the relief of occupants of lands included in the Algodones grant, in Arizona, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 11538) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1901, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

CUBAN INVESTIGATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted by Mr. BACON on the 11th instant, as follows:

Resolved by the Senate, That the Committee on Relations with Cuba is hereby directed to investigate and report to the Senate as early as practicable regarding the moneys received and expended in the island of Cuba by, through, and under the officials and representatives of the United States, both civil and military, from the date of the occupation of Cuba by the military forces of the United States until and including the 30th day of April, 1901.

Said committee shall investigate and report as to receipts, as follows: From customs, from postal service, from internal revenue, from all other sources, specifying the details as far as practicable, and particularly the places where and dates within which said amounts were collected or received, and the officer or officers collecting and receiving the same, as well as the law or authority under which said amounts were in each instance so collected or received.

Said committee shall investigate and report as to the expenditures of the said amounts so received, the necessity and propriety thereof, specifying in classes and in detail so far as practicable said expenditures, and particularly the work, services, or property for which said expenditures were made, and the value thereof; also the law or authority under which each of said expenditures was made, the officer, civil or military, by whom said expenditure was authorized, and the officer, civil or military, by whom said expenditure was made, and the particular fund from which the money was taken for said expenditure.

Said committee shall also report a statement of all public works of every kind, including buildings, wharves, railroads, and all other structures built or constructed, improved, repaired, or decorated by or under the authority of any such officer, civil or military; and in each instance the cost, value, necessity, and propriety of the same, and the uses to which said buildings or structures have been put. Where said buildings and works were constructed or improvements were made by contract, or where the material used in the same was furnished by contract, the committee shall report copies of each of said contracts and the names of all parties interested in each of the same.

Said committee shall also report a statement of the personal property which was purchased or procured and intrusted to any officer, civil or military, in Cuba within said time, the cost and value of the same, and the uses to which said property has been put, and the disposition which has been made thereof.

Mr. BACON addressed the Senate. After having spoken for twenty minutes,

SENATOR FROM MONTANA.

The PRESIDENT pro tempore (at 1 o'clock p. m.). The Senator from Georgia will please suspend his remarks for one moment while the Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution reported by Mr. CHANDLER from the Committee on Privileges and Elections April 23, 1900, as follows:

Resolved, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana.

Mr. CHANDLER. I ask that the resolution be postponed until Saturday next at 1 o'clock, in order that the Committee on Privileges and Elections may consider whether any further action is required in the premises.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the resolution be postponed until next Saturday at 1 o'clock. Without objection, it is so ordered.

CUBAN INVESTIGATION.

Mr. BACON resumed his speech in support of the resolution submitted by him on the 11th instant, providing for an investigation by the Committee on Relations with Cuba into receipts and expenditures in Cuba. After having spoken in all for one hour and fifteen minutes.

Mr. MASON. Will the Senator from Georgia yield one moment?

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). Does the Senator from Georgia yield to the Senator from Illinois?

Mr. BACON. For what purpose?

Mr. MASON. I wish to explain to the Senator that the vote is to be taken at 2 o'clock on the conference report upon the District of Columbia appropriation bill. I am not going to make any remarks, but I wish to insert in the RECORD, by unanimous consent, a paper, and unless I should make the tender now I would be stopped from putting it in at 2 o'clock.

Mr. BACON. All right.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MASON. I ask unanimous consent to insert this paper as a part of my remarks.

Mr. HALE. What is it?

Mr. GALLINGER. What is the document?

Mr. MASON. It is a statement in regard to the public schools in this District, to be considered in connection with the conference report on the District of Columbia appropriation bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? If there be none, and the Chair hears none, it will be inserted.

The paper referred to is as follows:

A DEFENSE OF THE CHILDREN—ANALYSIS OF HIGH-SCHOOL EXAMINATION—APPENDIX CONFUTES TEXT OF REPORT.

The Senate of the United States adopted the following resolution:

Resolved, That the Committee on the District of Columbia is hereby directed to make inquiry and inform the Senate what course of studies is prescribed for the public schools of the District, and whether a thorough

instruction in spelling, reading, writing, grammar, arithmetic, and geography supersede teaching of the higher branches of learning; and if not, why not."

An examination was made into the public-school system of the District, and also an examination of the pupils in the first year of the high schools.

Deploing the agitation and believing it to be unwarranted from the facts, still it was only after the children were attacked and held up to the people of the country as being stupid and ignorant that I deemed it a duty, as well as a pleasure, to analyze the report and to show that the investigation itself does not warrant the conclusions reached.

Consideration will be directed to the "supplemental report" of April 14, 1900, which concerns itself with the "school examinations."

The examination was under the supervision of the chief examiners of the Civil Service Commission and Census Bureau.

"The history paper was taken as the basis of examination in spelling, grammar, and penmanship." The children were instructed to "take plenty of time, write legibly, be careful about spelling, punctuation, and grammatical expression."

I propose to show from the appendix of the report that its conclusions are absolutely unwarranted from the facts, and it is simply another instance in which figures may be juggled.

SPELLING.

There has been an outcry concerning the spelling of the pupils of the public schools. The present report is based entirely upon a matter of average followed by a number of misspelled words. In so far as the list of misspelled words is concerned, we are not advised from how many papers they were culled, or how many times any one of them was misspelled. For example, the appendix shows that in one high school 4 scholars missed 105 words. The first list on page 6 of the supplemental report contains 104 misspelled words. Now, for aught that appears, these may all have been missed by those 4 scholars. However, I have examined in detail the appendix and have collated from each white high school the number of pupils who either did not misspell any word or only one or two, upon the assumption that if only two words were misspelled out of a paper of some 500 words, as the report states, we have almost practically perfect spelling. I would state at this point that my examination of the appendix shows that it does not agree in the number of pupils as set forth in the table of the report. I find as follows: Central High School, 279, instead of 352; Eastern High School, 147, same as the table; Western High School, 102, instead of 108; Business High School 323, instead of 329; total, 856.

As to the colored schools in the appendix, they are so badly mixed up, only four papers by name being assigned to the Business High School, I am compelled to enumerate the two colored high schools together, and from the appendix it appears that their number is 327 instead of 357, as contained in the table. By careful attention both in the aggregate and by adding together separate parts I find the appendix contains the reports of 1,183 papers, so that even there is not to be found the number 1,188 on which the report bases all its conclusions.

An examination of the marking in spelling in the appendix shows as follows:

Central High School, 50 scholars did not miss a word; 53 missed 1; 41 missed 2; that is, 144 scholars missed 135 words.

Eastern High School, 25 scholars missed none; 25 missed 1; 25 missed 2; that is, 75 scholars missed 75 words.

Western High School, 17 missed none; 20 missed 1; 16 missed 2; that is, 53 scholars missed 52.

Business High School, 73 scholars missed none; 63 missed 1; 64 missed 2; 200 scholars missed 191.

Now, if you come to averages, 472 scholars out of 856 missed 453 words.

It is submitted to any unprejudiced critic that under any circumstances such a showing as this is creditable. Thus 472 children only missing 453 words, less than 1 apiece, is practically perfect.

As indicating how little value is to be placed upon the matter of average, the following data may be given:

The appendix shows that in the Business High School 18 scholars missed 214 words in all. In the Central High School 7 missed 105 words in all. In the Eastern High School 11 missed 142. In the ninth, tenth, and eleventh divisions 4 missed 105 words, and of the whole list, 33 children missed 600 words, which is a larger number than all listed in the report. Hence all the misspelled words in the list may have been misspelled by 33 out of 1,183 children. Verbum sap.

PENMANSHIP.

Writing was to be one of the subjects to be investigated. All that is said on the subject in the supplemental report is found at the bottom of page 13: "5. Penmanship very poor, a large percentage writing backward. This was particularly noticeable in the Central High School books."

While the report gives the averages in some other studies, it does not give that in penmanship, for reasons as will hereafter appear.

If the pupils had a grade sufficiently high to place them on the eligible list under the civil-service examination, this would be sufficient and certainly does not warrant their penmanship being stamped as "very poor." There were 1,183 pupils examined. In penmanship 1,038 were 70 or above; of the remaining 145 the lowest was 60. Of these 32 were 68, which, for practical purposes, is as good as 70, and one was 69. Upon any fair consideration 1,071 pupils out of 1,183 were sufficiently well skilled in penmanship to warrant their employment by any business man. And yet the very report which contains this glaring fact says that the "penmanship is very poor." Moreover, the average of the scholars in penmanship was 75.1. In this connection it may be noted that the children were only cautioned to "write legibly" and were not advised that their writing was to be a subject of examination. In other words, the children simply wrote current cursive, with only such attention as their school habits had given them, and the above showing is a complete vindication of our method of teaching writing.

GRAMMAR.

The supplemental report is absolutely silent, except in the appendix, upon the subject of grammar; and yet the history paper was to be taken as a basis for examination in grammar; and the children were cautioned to be careful about the "grammatical expressions."

Much ignorant criticism and ill-timed levity has been indulged in relative to the teaching of grammar in the public schools. But, whatever supercilious critics may have to say, the examinations under consideration thoroughly support the contention which is urged by the friends of the public schools relative to language teaching.

The report contains three headings, which are somewhat confused and confusing, in that we find for some papers the heading "Grammatical errors" and for others "Syntactical errors," which manifestly is intended for the same heading, though the old and much regretted grammars place "Syntax" as a part of "Grammar." There is also a heading entitled "Wrong use" for some papers, and another heading "Words incorrectly used" for other papers; but it is a fair assumption that these headings are intended to be the same. There is also a heading for all of the papers entitled "Errors in punctuation." These same old-time grammars place "Punctuation" as a branch of "Grammar." However, passing by these manifest errors in the

method of wording the marking and classing syntax and grammar as one, the appendix shows the following:

Central High School—47 scholars had no errors; 43 had 1 each; 29 had 2 each; total of 119 having 101 errors.

Eastern High School—60 had no errors; 37 had 1 each; 16 had 2 each; total of 113 having 69 errors.

Western High School—35 had no errors; 23 had 1 each; 8 had 2 each; total of 66 having 39 errors.

Business High School—67 had no errors; 75 had 1 each; 45 had 2 each; total of 188 having 166 errors.

Average—486 children out of 856 had 395 errors in grammar.

While there are certain recognized rules of grammar, still there is considerable elasticity among cultivated persons with regard to the use of certain grammatical expressions. It is a fact well known that some of the grossest errors in grammar are made by certain of our best writers through ignorance and sometimes through carelessness or inadvertence; for example, a sample is found in the resolution under which this examination was conducted. This resolution contains 57 words, among which is to be found a "grammatical error" and also a "word incorrectly used." With such an example before us, surely it is not too liberal or too favorable to our little 15-year-old boys and girls to say that they make a good showing in grammar, when the number above indicated had less than 1 error apiece in papers of 500 words.

PUNCTUATION.

One of the claims on behalf of our public-school system is that of teaching our children not only to think, but how to express their thoughts in becoming and even elegant English. The examination under discussion shows that the children not only knew how to punctuate, but their punctuation was satisfactory even to the civil-service examiners.

Central High School—23 scholars had no errors; 46 had 1 each; 37 had 2 each; total of 106 having 120 errors.

Eastern High School—47 scholars had no errors; 31 had 1 each; 16 had 2 each; total of 94 having 63 errors.

Western High School—36 scholars had no errors; 22 had 1 error each; 13 had 2 each; total of 71 having 48 errors.

Business High School—102 scholars had no errors; 56 had 1 error each; 45 had 2 errors each; total of 203 having 146 errors.

That is, out of 856 children 474 had only 377 errors, considerably less than 1 apiece.

CORRECT USE OF WORDS.

One of the best tests of the finished scholar is his ability to find and use correct words for expressing his desired shade of thought. It is one of the peculiar aims of our public-school system to so train our children that they shall acquire the habit of selecting the right words to express their exact thought. The appendix of the report under consideration indicates the standing of the children in this regard. Under marking of "Wrong use of words" or "Words incorrectly used" are the following data:

Central High School—78 scholars had no errors; 76 had 1 each; 30 had 2 each; total of 184 having 136 errors.

Eastern High School—60 scholars had no errors; 48 had 1 error each; 17 had 2 errors each; total of 125 had 82 errors in all.

Western High School—37 scholars had no errors; 29 had 1 error each; 10 had 2 errors each; that is, 76 pupils had 49 in all.

Business High School—114 pupils had no errors; 93 had 1 error each; 44 had 2 errors each; that is, 251 pupils had 181 errors in all.

Of 856 pupils examined 72 were not marked under the heading of "Wrong use of words." Deducting this number from 856, the total number of the pupils of the white high school, leaves 784 pupils, 636 of whom had only 448 errors in the "Wrong use of words." Even assuming that the examiners were absolutely correct from the most elegant standpoint of criticism, surely this is a splendid showing for the pupils of our high schools, and, if an examination shows anything, a complete vindication of our method in teaching children English and the faithfulness of the teachers in imparting it. Beyond all this, it is perhaps not too far to assume that in some instances the child may have been correct in its use of words, and the examiner, if not too hypercritical, too severe.

In giving the different data it will be noted that I have confined myself to those papers which have contained either no errors or only one or two. I did this upon the assumption that to any ordinary business man a child who only had two errors in a paper of 500 words should be sufficiently classified not only for the position already held in school, but also to commence a business career anywhere. And this showing is made by a large majority of the pupils in our white high schools. I have made no detailed statement of the ratings of the colored children, for the simple reason that the appendix has so mixed them up that it is practically impossible to give them except in lump, which, of course, would not be satisfactory.

Relative to arithmetic the supplemental report says, on page 4, as follows:

"It is entirely safe to say that, aside from the pupils in the Business High School, less than a third of the high school pupils could pass the ordinary arithmetic examination for clerical positions as set by the Census Bureau of the Civil Service Commission, notwithstanding the fact that these pupils have finished their instruction in arithmetic. This might be an argument against the severity of those examinations were it not for the fact that both the Census Bureau and the Civil Service Commission have no lack of persons on their eligible rolls."

The report thus puts the pupils in the first year of the high school in competition with applicants for office under the civil service examination. To properly appreciate this juxtaposition, for it is nothing more, the environment of the examination of the children must be fully understood.

Here was an examination ordered by the United States Senate. These pupils examined were taken as a type of the product of our public-school system. The subject had been discussed pro and con, in the daily papers, through letters and editorials, in every home and in every schoolhouse in the District. The examination papers were prepared by strangers to the school curriculum; the topics were those upon which the children had not studied for nearly a year. Not only this lapse of time, but application to other studies, necessarily had driven much of the matter from their memory and had impaired their ability to cope with the questions. Under the older system of examination the children were prepared at the end of the year by careful and repeated reviews for the examination. There was an incentive either in the way of promotion or prizes. They were examined by their own teachers as a regular part of the school programme and upon such subjects with which they were familiar.

Under the present examination their regular school habits were broken in upon, their regular school studies laid aside, and they were called upon to undergo an examination in which they had absolutely no interest whatever, and no motive save that of personal ambition to excel. It goes without saying that under such conditions there was little or no inducement for a child to exert itself or to strive to excel in answering questions requiring an exact answer or to exercise its ability or ingenuity in answering questions which gave rise to thought or mental activity. Under these circumstances it is not only unfair, but it seems to me grossly unjust, to compare these little children, thus called upon to be made targets for inquisitorial shafts, with adults who, after extended preparation and study, present themselves for civil-service examination to obtain business positions which often mean their

actual living support; and again, beyond all this, we are not told how many persons are examined and how many persons fail in a civil-service examination. In other words, the public is entertained with the alleged shortcomings of our children in the high school, and they are held up in derision because, in the opinion of the examiners, they had not seemed to favorably compare with an absolutely unknown quantity—that is, the eligible list of the Census Bureau and the Civil Service Commission. But, in despite of the peculiar circumstances surrounding the examination, the standing of the pupils in penmanship, grammar, spelling, use of words and punctuation, as has been shown, stood exceptionally high.

Whether or not these pupils stood high in arithmetic or in history, to my mind does not seem to be of very much moment. As has been stated, these children had not studied these topics for nearly a year; some of them for two years. There had been no review, no preparation of any kind, and absolutely no incentive to exertion, and yet, despite these disadvantages, the average in arithmetic is nearly 90.

It is not everyone who, set down to an unforeseen examination, will be accurate in arithmetical problems, even simple ones.

For example, the report gives this table:

	Pupils.
Central High School.....	352
Eastern High School.....	147
Western High School.....	103
High School of the ninth, tenth, and eleventh divisions (colored).....	230
Business High School.....	329
Business High School of the ninth, tenth, and eleventh divisions (colored).....	127
Total (my footing).....	1,288

Now, this table foots up 1,288, but the report in three places states the total of pupils to be 1,183, and all estimates are based on the latter number. And the appendix shows the total to be 1,183, and neither 1,288 nor 1,183. If civil-service examiners can not foot up the above table without making a mistake of 100, or can not correctly tabulate from the appendix, some allowance should be allowed 15-year-old children.

A very important factor in this investigation is the composition of the high-school pupilage. There are three kinds of pupils—those who would be advanced under a rigid system of marking; those who come from the outside, a small number, and those who are treated leniently and are permitted to pass up from the grades in the hope that they may improve, and it is especially in this last class that poor mathematicians are found; also of the third kind it may be said that their parents would withdraw them as wage-earners if they could not go forward. Now, if, as contended, the school officials aimed to make a high standard for the high schools, and sacrificed the children to maintain this, the last kind would not go forward. Yet it is this last kind which lowers the average of the high schools; so that the officials are blamed for sacrificing the children when, on the contrary, they are lenient with those who are backward, and this leniency is used against the schools when the doctrine of averages is applied. But a priori reasoners care little for inconsistencies.

A CRITIC AS EXAMINER.

Another important factor is the personnel of the examiners. The chief examiner of the Civil Service Commission, who assisted in preparing the papers and in examining the same and making the markings, is the chairman of the school committee of one of our citizen's associations. His letter was one of the provocatives to the investigation, and he appeared before the Senate committee as a witness against the school system and an adverse critic thereof.

An inspection of the ratings in the Appendix shows that the markings must have been made by different persons. They are in two sets, and the supplemental report says the work was done under the supervision of the Civil Service Commission and Census Bureau. Moreover, it is a remarkable fact that the ratings in the second set are far more favorable to the children than those in the first set. Whether the second set was examined and marked by some one who was determined to do the children justice and to show fair dealing, while the first set came under the purview of one who was working up to a foregone conclusion, is not manifest. But the fact remains that one examiner was prejudiced. However, despite this fact, the children made the splendid showing already indicated.

Those of our citizens who induced this investigation must felicitate themselves that they have drawn down this inquisition upon our innocent and helpless children. Although the detailed marking shows excellence in scholarship, the verdict has gone forth to the world that our children are ignorant. False though this is, the mortification, humiliation, and stigma remain. Children arbitrarily selected as exponents of the system, subjected to tests to which they were unused and unaccustomed, yet standing the same nobly, are held up to obloquy, and the decree has gone forth that the public-school system of Washington is a failure and the public-school children ignoramus.

In conclusion, to those of our citizens who have defamed our children there may be applied the language applied by Marc Antony to Brutus and his fellow-conspirators:

"They that have done this deed are honorable;
What private griefs they have, alas! I know not,
That made them do it; they are wise and honorable,
And will, no doubt, with reasons answer you."

W. H. SINGLETON.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. LODGE. I ask that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the unfinished business be temporarily laid aside. If there be no objection, it will be so ordered.

Mr. ALLISON. I ask that the vote may be now taken on agreeing to the conference report upon the District of Columbia appropriation bill.

Mr. BACON. I understand that that will not in any manner interfere with my right to continue.

Mr. ALLISON. Not in the slightest degree, and I think it will take but a moment.

The PRESIDING OFFICER. The question is upon agreeing to the report of the committee of conference.
The report was agreed to.

CUBAN INVESTIGATION.

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The Senate resumed the consideration of the resolution submitted on the 11th instant by Mr. BACON.

The PRESIDING OFFICER. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, the resolutions which have just been read have been drafted by me with a view to giving the opportunity for the most thorough investigation of the moneys which have been collected and expended in the island of Cuba through the agencies and instrumentalities of the United States Government.

As a basis of the remarks which I shall make upon this subject I submit the proposition that there could be no more imperative duty resting upon any government than that which rests upon the Government of the United States to devote every dollar raised through its agencies in Cuba to the sole benefit of the people of Cuba.

It would be a sufficient demonstration of the correctness of this proposition to state the fact that not a single dollar of the revenues raised in Cuba through the agencies of the United States belongs to the Government of the United States or to the people of the United States, but that every dollar of it belongs to the people of Cuba.

But, Mr. President, I take occasion to say in addition that the duty so undeniably arising from this undeniable fact is intensified by the further fact that we are self-constituted agents in the collection and disbursement of the revenues of Cuba.

All of these revenues have been raised through taxes collected from the people of Cuba, and the fact that we have constituted ourselves the agents to collect these taxes from them imposes upon us the most solemn and binding obligation not only that all of it shall be disbursed for the benefit of the people of Cuba, but that it shall be all of it disbursed prudently and economically, so that there may be no prodigality and no waste.

We can be extravagant or even wasteful with the money of the United States if we choose to violate our obligations as public servants; and if we do so, we are accountable to those who sent us here. We might perhaps claim an excuse for extravagant expenditure of Cuban money if we had been invited by the Cuban people to accept this agency to collect and disburse their revenues, because if invited to do the work we might claim the right to judge of how liberal or even extravagant we would be in its execution. But however this might be, it is not so when, without the invitation and, so far as has been disclosed, against the wish of the people of Cuba, we constitute ourselves the agents to do this work.

There are other considerations which lay upon us an obligation for the honest and economical expenditure of these moneys, an obligation for the observance of which we are accountable in the high court of honor. All the world stands a witness that no people ever undertook a cause involving national peril and sacrifice with a more chivalric declaration of the purity of their motives and of the disinterested purpose which they had in view than was made by the people of the United States through their Congress when they undertook the war for the liberation of Cuba. For loyalty to the high purpose of that declaration we are bound. Mr. President, in the court of honor; in the proportion that we make good that declaration will we, as a nation, be in that court adjudged honorable, and in the degree that we violate that declaration and turn from it to show a selfish purpose or to pursue selfish ends will it be there adjudged against us that we have been untrue to the high standard which we then so proudly erected.

Again, sir, if we, as Senators and Representatives, are wasteful or extravagant with the money of the United States, we can be held to account and be condemned by those who clothed us with power. Those whom we represent and who would be thus wronged have their opportunity for redress in their judgment upon our infidelity. But if we, as self-constituted agents, collect these taxes from the people of Cuba and then either squander it or permit it to be squandered by our official representatives, there is no tribunal in which they can call us to account. We are strong, they are weak. They are absolutely within our power. They can only appeal to us for justice in the high court of national honor. In all other courts they are dumb and without redress.

We can, if we choose, in the exercise of arrogant power, with impunity despoil them through misappropriation, or we may accomplish an equal result through riotous and extravagant expenditures; but there rests upon us the highest obligation of national honor to permit neither the one nor the other to be done.

That the revenues of Cuba shall be honestly and economically administered to the best advantage of the Cuban people, and that the

American Congress shall know and see to it that it is so administered, is another "plain duty" in the list of those which will be recognized and insisted upon by the American people. We have of late heard much said about a "plain duty." The former may be known as "plain duty" No. 1, and this we are now considering may be catalogued as "plain duty" No. 2.

Now, Mr. President, it is to insure the performance of this second "plain duty" that I think these resolutions should be adopted, requiring the most thorough and searching examination to be made by a committee of this Senate to ascertain what taxes have been collected from the people of Cuba and how the money has been expended.

In what way, sir, does there arise the necessity for this investigation?

To this there are several replies. In the first place, I would say that the circumstances of our self-constituted agency and the marked peculiarity of the conditions in Cuba would require this investigation, even if there were no charges of misappropriation, and no widespread belief that there has been extravagant and wasteful expenditure.

What, sir, are these peculiar conditions? In our own Government we have at every stage safeguards against the illegal collection of taxes and the misappropriation and wastefulness in the expenditure of the money thus collected. These safeguards do not exist in our collection and disbursement of the Cuban revenues. Here in the United States no revenues are collected except under the authority of an act of Congress, which must have the concurrent approval of the House of Representatives, of the Senate, and of the President, or two-thirds of each House without the approval of the President. In Cuba the taxes are assessed and collected by an executive order, the stroke of the pen of one man, either here or in Cuba. Here what officers shall be employed, what salaries they shall be paid, and what quarters and other allowances they shall have at the public expense are fixed by law. There they are again determined by the unrestrained order of one man with accountability practically to no one.

Here all public works, before they can be entered upon, must be authorized by law. There again one man, arbitrarily and without limitation upon his authority, orders them, whether they be great or small. Here the money for such works can only be appropriated by act of Congress. There the millions upon millions of dollars are spent again upon the order of one man, with no one to question him or say him nay. Here a thousand eyes are upon every man charged with the disbursement of the public money. Such an one here stands within the gaze and under the watchfulness of thousands of people speaking the same language, familiar with our laws, jealous of fidelity to law by public officers, and quick to avail themselves of a universal press to expose the dishonest and unfaithful. There those making expenditures of the public money are in the midst of a people ignorant of our laws and of our language, accustomed, under long the profligacy of Spanish rule, to dishonesty and extravagance among public officials, and unobservant to watch for and expose official wastefulness, extravagance, or misappropriation of the public funds.

Here all public works are constructed and all material is purchased after advertisement, as required by law. There the question whether or not there shall be advertisement and competition again depends on the uncontrolled will of one man, and my information is that in the expenditure of the millions of dollars which have thus been made of the Cuban revenues there has in almost all of the cases been no advertisement; and thus it is, Mr. President, that not only in these features, but in numberless others which could be easily enumerated, there is under our control and administration in Cuba an absence of the safeguards which are found not only in the laws and regulations of this Government, but in the laws and regulations of all civilized governments, which are designed to guard against oppressive taxation and to restrain and prevent official waste or extravagance or misappropriation. It is, under our administration and enforced control in Cuba, the one-man power determining what moneys shall be collected and how they shall be spent. Having thus set up or permitted this absolute, irresponsible, unchecked authority, we are under bonds to see to it that the Cuban revenues have been legitimately expended.

With this high trust by us thus voluntarily assumed, we have permitted the control and the conduct of the affairs of that island to be under a system of absolutism, a system of absolutism in its administration practically without accountability. Having permitted this system, having sat down for two years and permitted it to go on, unmindful of the undeniable obligation resting upon us that all shall be right in that administration; that money shall have been properly collected, and that it shall have been honestly and prudently and economically expended—with this duty resting upon us, and with this system of absolutism having been permitted by us, there is now an imperative obligation upon us to examine and see whether affairs have been rightly conducted there, and whether the money which has come in hand has been properly collected, and whether it has been properly expended.

So that if we simply stood face to face with the fact that we have for two years permitted this system of absolutism, this unchecked levying of taxes, this uncontrolled expenditure of money, if there were no information of misappropriation the obligation would be upon us to make a most minute and searching investigation to see whether or not our agents had properly, prudently, and honestly discharged the high trusts which we have self-imposed. But, Mr. President, we are not left to a consideration of that kind, as sufficient as that would be. We have ascertained the fact that there has been in the island of Cuba the most exorbitant and the most extravagant expenditure of the money of the Cuban people.

Under a resolution of instruction of the Senate the Secretary of War has sent to the Senate—

Mr. PLATT of Connecticut. What is the document from which the Senator is now quoting?

Mr. BACON. I am going to read from Senate Document 177 of this session.

Mr. FORAKER. Will the Senator please give me the date?

Mr. BACON. Yes. This is the response of the Secretary of War, dated February 15, 1900, to a resolution of January 17, 1900, in which there is a tabulated statement of the amounts which have been received and the amounts which have been expended in Cuba; a statement which itself professes to be a partial statement. I shall have occasion to allude to that hereafter. The Secretary of War, in transmitting this, says that it is partial, that in order to comply fully with the instructions of the resolution it will be necessary to get a great deal more information and that he is proceeding to get it.

Mr. FORAKER. If the Senator will allow me to interrupt him, has not the Secretary of War, since that communication was sent to the Senate, supplemented it with the additional statement which he said would be necessary in order to give us the complete information?

Mr. BACON. If it has been sent, I have not been advised of it.

Mr. FORAKER. I have not seen it, but it is my impression that he did send a supplementary report—

Mr. BACON. I think not.

Mr. FORAKER. Transmitting the result of the reports obtained from Cuba, where the itemized accounts were kept.

Mr. BACON. I think the Senator will find that while that had been anticipated, that anticipation has not been realized.

In this report there is a table of receipts and expenditures in the year 1899 in the island of Cuba—

Mr. FORAKER. From what page does the Senator read?

Mr. BACON. On page 107; in which it is shown that from the various sources of revenue there had been collected by the officers of the United States Government, civil and military, the sum of \$16,346,015.17, and that in the same year, 1899, from January 1 to December 31, the expenditures in Cuba had been \$14,085,805.32.

I say again, Mr. President, that if we had no information of the improper expenditure of any money in Cuba, if we had no rumor that there had been any money improperly expended in Cuba, if we simply had the naked fact that in the year 1899 the officers, civil and military, of the United States Government had collected over \$16,000,000 in Cuba, and that they had expended over \$14,000,000—I say that simple fact would be so startling in its nature as to demand on the part of Congress an investigation to ascertain whether or not that money had been properly, prudently, honestly, and economically disbursed.

The table of receipts and expenditures in the year 1899 is as follows:

Statement of receipts and disbursements of the public funds of the island of Cuba from January 1, 1899, to December 31, 1899.

RECEIPTS.	
From customs.....	\$15,011,089.24
From postal service.....	244,002.33
From internal revenue.....	787,592.19
From miscellaneous sources.....	303,331.41
Total.....	16,346,015.17
DISBURSEMENTS.	
Barracks and quarters.....	1,209,939.43
Sanitation.....	3,052,282.94
Rural police and administration.....	1,445,467.21
Public works, ports, etc.....	700,126.01
Charities and hospitals.....	625,783.53
Miscellaneous (includes internal revenue to June 30).....	640,329.48
Civil government.....	345,479.05
Municipalities.....	1,239,403.65
Aid to destitute.....	229,912.87
Quarantine.....	156,813.90
Customs service.....	810,802.31
State and government.....	690,334.04
Justice and public instruction.....	789,897.29
Finance.....	542,412.83
Agriculture.....	347,516.93
Postal service.....	634,929.10
Auditor's and treasurer's offices.....	206,397.38
Census.....	357,977.37
Total.....	14,085,805.32
Balance on deposit to the credit of the treasurer and in the hands of collectors.....	2,260,209.85

Mr. President, everything is relative in life, to a large extent at least, and in determining whether or not, without reference to details, there is a prima facie case of extravagant expenditure sufficient to lay upon Congress the obligation to investigate the question whether or not there has been such extravagant expenditure, we naturally look to the standards of expenditure in this country in the various States of this Union. I have here some of the details of expenditure which I have procured from the comptrollers of various States; not all, of course, but enough to illustrate the point which I am now presenting.

Mark you, that in the year 1899—one year—there was over \$16,000,000 collected in Cuba and over \$14,000,000 expended. Now, let us see what is the case with reference to the States of the Union of equal and greater size than Cuba and of larger affairs than Cuba. I begin with my State, with over 2,000,000 inhabitants, with wealth largely superior in amount to that of Cuba, with a perfectly organized system of government in all its ramifications, and the fact is that in the year 1899 the entire total expenditure of the State of Georgia on all accounts was \$2,900,000; and of that \$1,375,000 was spent for education and \$653,000 was spent for pensions for Confederate soldiers, leaving for the entire current expenses of the State, including the payment of interest on its public debt, the amount of \$872,000 as the expense, compared with over \$14,000,000 in Cuba.

To make that statement entirely correct, I will call attention to the fact that one item which I have deducted from the expense of running the State of Georgia, to wit, the item of education, is one which has some part in the expenditure in Cuba, but what is exactly the amount spent for "education" we can not tell from the fact that it is mixed with the expenditure for "justice," and stated in one item as an expenditure for "justice and public instruction." The entire item for "justice and public instruction" is \$789,897.29; so that, if you credit the entire amount to "education" in Cuba and allow none of it as having been expended for "justice," there would still be over thirteen and a half million dollars expended in Cuba for the government of Cuba as against \$872,000 in Georgia for the government of Georgia. It is to be noted that what is meant by the term "public instruction" in Cuba is left in doubt in view of recent developments.

Mr. ALLISON. Will the Senator allow me to interrupt him a moment?

Mr. BACON. Certainly.

Mr. ALLISON. Do not the municipal expenditures of the island of Cuba constitute a part of this distribution of money?

Mr. BACON. They do.

Mr. ALLISON. Has the Senator included that item?

Mr. BACON. I have not. The Senator is correct in that criticism. That item should be included.

Mr. ALLISON. But the Senator has not included it?

Mr. BACON. I have not. I will acknowledge the correctness of the criticism of the Senator. It had escaped me, but I will include it now.

Mr. ALLISON. Very well.

Mr. BACON. The Senator is correct, and I am obliged to him for calling my attention to it, but in the multitude of items here that had escaped my attention. After crediting that, however, it is in round numbers \$12,000,000 for Cuba, as against \$872,000 for the State of Georgia. And if there were further deducted the items of expenditure for postal service and census, there would still remain more than \$11,000,000 of expenditure. And it must not be overlooked that there are many subjects of State expenditure which have not called for expenditures in Cuba and which have no place in the statement of Cuban expenditures.

Mr. President, I do not propose to stop there by a good deal.

Mr. NELSON. May I ask the Senator a question?

Mr. BACON. I am going to ask Senators, somewhat in imitation of my very distinguished friends on the other side of the Chamber, to allow me to proceed with this argument, and I will say that I do not make the request with any indisposition to answer questions; but before I get through, if the Senate will permit me to retain the floor, I shall, with the greatest pleasure, submit to any question that any Senator has to ask; but I can not present, especially when it comes to a matter of figures, anything like a continuity of argument if I have to enter into a colloquy as to each one of the items as I go along.

Mr. NELSON. I wished simply to make one suggestion to the Senator from Georgia that would tend to make his figures more accurate and correct.

Mr. BACON. I think the Senator can correct me when I get through, or before I get through, if he will wait until I have presented the main body of what I have to say.

Now, I take the State of Missouri, a State several times as large in all particulars as Cuba. The entire expenditure of the State of Missouri for a year, including the public debt and everything else except the expenditures for educational purposes, is \$1,707,637; and, after crediting what the Senator from Iowa [Mr. ALLISON] suggests and the items which I have also suggested as proper for

deduction, we have for the great State of Missouri an expenditure of \$1,707,637 against \$11,000,000 or \$12,000,000 for the government of Cuba.

Massachusetts, with a total expenditure of over \$9,000,000, expends over five and a half million dollars of that for education and for public instruction, leaving only about \$3,500,000 to the ordinary expenses of the State, including her public debt—three and a half millions for Massachusetts against twelve millions for Cuba!

Indiana, with a total expenditure of \$5,589,000, spends over \$2,304,000 for education and over \$300,000 for educational institutions, leaving less than \$3,000,000 as the expenditure of Indiana against over \$12,000,000 for Cuba.

Mr. President, I have the figures for a number of States here, which I will simply insert without detailed comment. They are as follows:

Indiana, total expenditure.....	\$5,589,270.58
Of this educational institutions.....	\$303,152.02
School revenue.....	2,304,067.55
.....	2,607,219.57
Ordinary support of State, including public debt.....	2,932,061.01
Arkansas, total expenditures.....	1,046,180.00
Of this, for education.....	496,180.00
Ordinary support of State, including public debt.....	550,000.00
Minnesota, total expenditures.....	6,288,487.25
Of this, for education.....	1,638,863.39
Ordinary support of State, including public debt.....	4,649,623.86
Mississippi, total expenditures.....	1,699,745.46
Of this, for education.....	950,453.52
Ordinary support of State, including public debt.....	749,291.94
Connecticut, total expenditures.....	\$2,530,280.33
Of this, for education.....	633,739.67
Ordinary support of State, including public debt.....	893,510.66
Texas, total expenditures.....	2,376,062.00
From which is to be deducted expenditure for public debt.....	
Kentucky, total expenditures.....	4,411,662.07
Of this, for education.....	1,673,093.58
Ordinary support of State, including public debt.....	2,738,568.49
Tennessee, total expenditures.....	2,619,976.28
Of this, for education.....	29,134.14
Ordinary support of State, including public debt.....	2,581,842.14
Michigan, total expenditures.....	\$4,301,031.71
Of this, for education.....	305,339.54
Ordinary support of State, including public debt.....	3,995,692.17
New Jersey, total expenditures.....	2,738,071.85
From which is to be deducted amount expended for education.....	
Alabama, total expenditures.....	2,074,748.78
Of this, for education.....	632,650.30
Ordinary support of State, including public debt.....	1,442,198.48

Mr. NELSON. Mr. President, do I understand the Senator from Georgia is open to inquiry or suggestion now at this stage of his remarks?

Mr. BACON. If there is anything which the Senator can not postpone until I have presented my remarks, I will yield; but I will give the Senator the figures in his own State if he wants them, as I have them here, and he can look at them and see whether they are correct or not.

Mr. SPOONER. Will the Senator allow me to ask him a simple question?

Mr. BACON. Yes.

Mr. SPOONER. Does the Senator include in his figures municipal expenditures?

Mr. BACON. I have expressly deducted them from the amount of expenditures in Cuba, at the suggestion of the Senator from Iowa.

Mr. SPOONER. Does the Senator mean that he has ascertained the municipal expenditures of the State of Georgia in order to deduct them?

Mr. BACON. I mean to say the municipal expenditures are not included in any statement as to the States. I mean to say, however—

Mr. SPOONER. The Senator said he had deducted them. Has he ascertained them?

Mr. BACON. If the Senator will pardon me, I have deducted them from the total expenditures in Cuba; in other words, the amount expended for municipal government is stated, and I have deducted that from the Cuban expenses, so in the comparison made they are not included in the State expenses, neither are they included in the Cuban expenses.

Mr. SPOONER. But in the Cuban expenses they are included.

Mr. BACON. No; in the calculation I deduct from the total of

Cuban expenses the amount stated as that expended on municipalities. In other words, there are \$14,000,000 of expenses in Cuba altogether, and there are \$1,239,403.65 for municipalities. In stating what amount has been expended in Cuba, I am deducting the amount expended for municipalities in order to make the comparison. Does the Senator understand?

Mr. SPOONER. I did not understand at first the Senator's statement.

Mr. BACON. That is certainly fair.

Mr. PLATT of Connecticut. I will ask the Senator from Georgia to yield to me for a moment, if it is not disagreeable to him.

Mr. BACON. It is not disagreeable to me, but I should like to present this case, and then I will yield to the Senator with a great deal of pleasure. It is very evident that if I go on, and Senators take up each proposition I am to argue, as I proceed, I can not make anything like a continuous presentation of my argument or make an intelligent presentation of the matter.

Mr. SPOONER. I beg the Senator's pardon.

Mr. PLATT of Connecticut. I beg the Senator's pardon also, but the Senator is so far wrong in his figures—

Mr. BACON. The Senator will have ample opportunity to show wherein I am wrong if he can do so, and I hope Senators will not think me discourteous in the matter.

Mr. PLATT of Connecticut. Not at all.

Mr. BACON. I do not ordinarily object to interruptions, but I do wish to present this matter with some degree of continuity, and I shall certainly not endeavor to shirk giving Senators an opportunity to make any inquiries they wish me to answer.

Mr. President, the suggestions of Senators as to my being wrong in my figures, in view of what has been said by them, doubtless have reference to certain items of expenditure which are not included in the statements of State expenditures, although there are such expenses borne by the people in the State. For instance, municipal expenses and county expenses do not appear in a statement of State expenditures. But this criticism will not avail, because if we deducted 50 per cent from the Cuban expenditures on account of these alleged expenses which do not appear as State expenditures, we would still have \$7,000,000 as the cost of running the Cuban government outside of the other \$7,000,000 thus put out of the calculation in making the comparison between the amounts expended in Cuba and the amounts expended in either of the States.

And even if thus reduced to \$7,000,000 the Cuban expenditure would be several times relatively as great as the expenditure of any State in the Union. But while this deduction of 50 per cent is thus suggested for the sake of the argument, no one can for a moment believe that that percentage, or anything approximating it, should be allowed in the estimate. This can never be accurately ascertained except by a thorough investigation. The ascertained fact stands that for the government of Cuba, with a population of little over a million, there has been expended in the year 1899 over \$14,000,000.

Mr. President, to repeat, I say that these large expenditures, so largely disproportioned under the most favorable comparison to the expenditures in any State of this Union, even if there were no rumors of any impropriety, or of any extravagance, or of any corruption, would call trumpet-tongued upon the Congress, under the circumstances and under the obligation which rests upon us, to make a thorough and searching examination to see whether or not this large amount of money has been properly expended.

But, Mr. President, we are not left to that suggestion. We have had all sorts of rumors and the most startling statements from people who have been in Cuba; we have had all sorts of allegations in the press; and finally we have had admitted misappropriations of the money which has been collected from the people of Cuba.

In the first place, out of a purely accidental colloquy, which took place in the Senate between the Senator from Ohio [Mr. FORAKER] and myself, and under the suggestion of the Senator from New Hampshire [Mr. CHANDLER]—he has declined to allow it to be called "a challenge"—I introduced a resolution a month ago calling upon the Secretary of War to be informed as to several things with reference to expenditures in Cuba, calling upon him to say, first, whether or not any money has been paid to any military officer of the United States out of that fund over and above the amounts which were allowed by law to them as salaries. The Secretary of War replied, and stated the fact that there had been such expenditures. Now, without reading at length, I simply read the inclosure which the Secretary of War sent to the Senate.

Mr. FORAKER. What is the document?

Mr. BACON. I am reading from the reply of the Secretary of War to that particular inquiry. It is found in Document No. 316.

The Secretary of War in transmitting his report includes this letter from the assistant adjutant-general at Habana, dated January 29, 1900, and addressed to the Adjutant-General of the Army at Washington. It is as follows:

SIR: I have the honor to acknowledge receipt of your telegraphic instructions of the 19th instant, and in reply thereto to report that the records of

the office of the treasurer of island of Cuba show the following as the only allowances from insular funds made to the officers of the United States Army in the island of Cuba since the beginning of the military occupation:

These allowances are now in force:

	Year.
Military governor of Cuba, beginning January 1, 1899.....	\$7,500
Military governor of Habana, beginning January 1, 1899.....	5,000
Collector of customs for Cuba, beginning January 1, 1899.....	1,800
Treasurer of the island of Cuba, beginning May 1, 1899.....	1,800

Very respectfully,

W. V. RICHARDS,

Assistant Adjutant-General.

(For and in the absence of the division commander.)

The ADJUTANT-GENERAL OF THE ARMY,

Washington, D. C.

And in a footnote it is shown that in the case of the military governor of Cuba it should be March 1, instead of January 1, and in the case of the military governor of Habana it should be April 1, instead of January 1.

Mr. President, the Secretary of War in transmitting that says that these amounts were allowed as to the first three named officers by Secretary Alger on the 1st day of March, 1899. I will read the order of the Secretary of War:

WAR DEPARTMENT, Washington, March 1, 1899.

Whereas the commanding generals of the division of Cuba and the Department of Habana and the collector of customs for the island of Cuba and the port of Habana are, respectively, performing, in addition to their ordinary military duties, civil functions in connection with the administration of the government of Cuba which require outlays and expenses to maintain the proper dignity of their respective positions in excess of the amount of salary which they receive as officers of the United States Army:

Ordered, That for his services as military governor of the island of Cuba, the commanding general, division of Cuba, shall receive an annual salary, out of the revenues of the island, at the rate of \$7,500 a year; that the commanding general, Department of Habana, for his services as military governor of Habana, shall receive, out of the revenues of the island, an annual salary at the rate of \$5,000; that the collector of customs for the island of Cuba, as collector of the port of Habana, shall receive, out of the customs revenues at Habana, an annual salary at the rate of \$3,500, these to be in addition to their regular salaries as officers of the United States Army, the allowances to begin March 1, 1899, and to be paid monthly, and evidenced by duly executed vouchers.

R. A. ALGER, Secretary of War.

The next one, as reported by the present Secretary of War, was issued by the Assistant Secretary of War April 19, 1899, and is as follows:

Whereas the collector of customs for the island of Cuba and port of Habana is performing, in addition to his ordinary military duties, civil functions in connection with the administration of the government of Cuba which require outlays and expenses to maintain the proper dignity of his position in excess of the amount of salary which he receives as an officer of the United States Army:

Ordered, That for the payment of the necessary expenses incurred, and to be incurred, incident to his representative capacity, said collector of customs for the island of Cuba and port of Habana shall receive, out of the customs revenues at Habana, an allowance at the rate of \$1,800 per annum, beginning with January 1, 1899, and to be evidenced by duly executed vouchers. So much of War Department order dated March 1, 1899, on the same subject, as relates to the collector of customs is revoked.

G. D. MEIKLEJOHN,

Assistant Secretary of War.

Then there is another one, giving to the treasurer of Cuba \$1,800 per annum, also signed by Assistant Secretary Meiklejohn, dated May 9, 1899.

Mr. President, at the time those orders were issued this was the law. Section 1269 of the Revised Statutes, which is in the chapter upon the subject of the compensation of Army officers, after stating in detail what each officer shall receive as his compensation, says:

No allowances shall be made to officers in addition to their pay except as hereinafter provided.

Then thereafter immediately following are the allowances and commutations for officers of different rank, stating how many horses they shall keep and what quarters they shall be allowed, etc.

So, Mr. President, these orders were directly in conflict with the law, unless they were paid for something else besides military services—unless they had some other office. It is impossible that they could have. Never mind what functions they were discharging, they could hold no civil office. They certainly could hold no civil office in this country and under this Government, because section 1222 expressly provides:

No officer of the Army on the active list shall hold any civil office, whether by election or appointment, and every such officer who accepts or exercises the functions of a civil office shall thereby cease to be an officer of the Army and his commission shall be thereby vacated.

Can it be said that while an officer of the Army under that section could not hold a civil office in the United States, he could hold a civil office elsewhere? Manifestly not. It is an utter impossibility that an Army officer of the United States should hold any office except under the authority of the Government of the United States, and every public function which he discharges under the authority of the Government while he is a military officer, is necessarily a function which he discharges by virtue of the fact that he holds that military office.

I am not going to discuss the question as to whether or not these officers ought to have had any more money, whether it was proper that they should have more money, further than to say that it is

a known fact that some of the officers who were put in these positions had their ranks raised when they were sent to Cuba in order that they might have largely increased compensation. One of them was promoted from lieutenant-colonel to major-general—a major-general with a salary of \$7,500, from lieutenant-colonel at \$3,000. The question is not whether these officers should have had increased compensation. However that may be, this is a Government of law, and no officer of the Government has a right to violate the law, I do not care how high an officer he may be. The higher the officer the greater the obligation upon him to observe law, and the greater the transgression when he violates law.

Mr. President, we owe allegiance in this country to nothing but law. We do not swear allegiance to any crowned head. We do not even swear allegiance to the Government, but we swear allegiance—every officer, high or low, Federal and State—to law, and it is put into the fundamental law that whoever takes the commission of the Government in any capacity, high or low, shall swear allegiance to the Constitution of the United States, the highest of law—the prototype, the beginning, and the conclusion of all law in this country.

Mr. President, when the Secretary of War granted these orders those two statutes stood upon the statute book. There had been a precedent in a somewhat similar case, a precedent with which it seems the War Department was familiar, because the legislation which constitutes that precedent is cited by the Secretary of War in his report. It seems that during the Mexican war some of the military officers of the United States Government were called upon to discharge certain duties in the collection of customs at certain ports of Mexico; and thereupon, in order to meet a similar state of affairs, Congress was called upon and passed an act to permit the officers of the United States Government to receive certain additional compensation; and the law which was passed is cited in this document, No. 316, sent to us by the present Secretary of War, who, it is proper to state, was not the Secretary of War at the time these various orders were issued.

[Section 2 of an act to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions or otherwise in Mexico. (Approved March 3, 1849. Stat. L., volume 9, page 413.)]

SEC. 2. And be it further enacted, That where an officer has had the supervision of the collection of the military contributions at any of the ports in Mexico, and has at the same time exercised civil functions under the temporary government there established, or where an officer or other person shall have performed the duties of collectors at such ports, such officer or person shall be allowed a compensation which shall be assimilated in amount as nearly as may be, including the regular pay and emoluments of such officer, to that allowed by existing laws to officers of the customs in the United States where the services are similar in amount and importance; such allowance in all cases to be determined by the President of the United States. And all officers of the Army and other persons in public employment who have received payment for their services in collecting, keeping, or accounting for said moneys, and for other necessary services, are authorized to retain so much of the amounts so received as, in the opinion of the President of the United States, may be a fair compensation for said services.

Mr. President, reading that statute altogether the discretion allowed to the President of the United States was to assimilate the amount which should be allowed to an officer, including his pay, to the amount which was allowed to an officer in the United States performing similar service here in the collection of revenue. Two things must be called to the attention of the Senate in connection with this legislation. In the first place, when it was deemed proper that military officers should receive other compensation, Congress was appealed to to grant the authority, and no executive officer undertook himself to exercise that authority.

In the second place, and more particularly at that time, there was no law upon the statute book which prohibited an Army officer from receiving additional pay or additional compensation other than that provided by law for him as such Army officer.

When these amounts were allowed by the Secretary of War to these four military officers in Cuba, there was upon the statute book a positive prohibition that he should not do it, and in addition to that, Congress was in session the day when he issued the first order.

Mr. HALE. Does the Senator refer to any special act that applies to Army officers?

Mr. BACON. Yes.

Mr. HALE. Beyond the general provision and the unvaried custom, so far as I know, that no officer of the Government, no official, shall ever receive any pay aside from his regular salary. Does the Senator refer to a special statute?

Mr. BACON. Yes, sir; I do.

Mr. ALDRICH. He has read it.

Mr. HALE. I was not present.

Mr. BACON. I refer to a special statute in cases of Army officers.

Mr. HALE. Referring to Army officers specifically?

Mr. BACON. Specifically.

Mr. HALE. Aside from the general statute which has always been applied to all officers of the Government, upon whatever duty they may be concerned, that they shall never receive any pay, aside from expenses, beyond their regular salary?

Mr. BACON. I referred to and have read to the Senate the section of the Revised Statutes which expressly prohibits an Army officer from receiving any pay on any account whatsoever except that which is allowed to him in the very chapter where that section is found.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. With pleasure.

Mr. SPOONER. If the Senator will allow me, I wish to say my interruption is caused by his proposition that the act of Congress to which he refers is evidence that the expenditure could not be made by the Executive and could only be made by Congress.

Mr. BACON. I did not—

Mr. SPOONER. I mean the Mexican case.

Mr. BACON. I went on to say there was no law against it.

Mr. SPOONER. That was another branch of the Senator's observation. I wish to call his attention—

Mr. BACON. I hope the Senator will take occasion to do that a little later.

Mr. SPOONER. I wish to call the attention of the Senator to the fact, if he will permit me, that the money that was appropriated by Congress for that purpose was money of the United States, which manifestly could not be appropriated by the Executive. Contributions collected in Mexico were just as much the property of the Government of the United States as cannon captured in Mexico or mules captured in Mexico.

Mr. BACON. I am not going to discuss that refinement.

Mr. SPOONER. It is not a refinement.

Mr. BACON. Well, the proposition then. I am not going to stop to discuss that. I say that at that time, when Army officers were collecting revenue in an enemy's country during a time of war, in which the President did have the power, in that extreme case the Executive declined to take the power and asked Congress to pass upon the question as to what they should have. And as the Senator from Kansas [Mr. HARRIS] suggests to me, does the Senator from Wisconsin—I will not put it interrogatively, because that would be an invitation to him to interrupt me, and I wish to proceed without interruption, if possible; but I will put it in that way if he will answer it later—does the Senator from Wisconsin pretend to say that we can dispose of money in Cuba that does not belong to us with a freer hand than money collected in time of war which, as the Senator from Wisconsin says, did belong to us?

Mr. SPOONER. Does the Senator want an answer?

Mr. BACON. Not now. I will take the Senator's answer later.

Mr. SPOONER. I will endeavor to give it.

Mr. BACON. Knowing the Senator's ability, I doubt not but that he will make a very ingenious answer. But here is the proposition of the Senator: The money collected at the port of Tampico, or whichever Mexican port it was, during the time of war was, as the Senator says, money of the United States. If so, the disposition of it made by the people of the United States, or by the President of the United States as their representative, must necessarily stand upon a very different footing from the disposition of money collected in Cuba, not one dollar of which belongs to the people of the United States or to the Government of the United States. Before I get through I shall have further to say upon the question as to the power of the President in the case of the Mexican war, when he, as Commander in Chief of the Army and Navy of the United States, was exercising the war power, and in the present case, when there is no war and where he is not there exercising any power of war. I will not stop for that now, but I will a little further on.

Mr. President, I said the law was obligatory upon civil officers of the Government as well as upon the lowest citizen, and that the infraction of law by an officer of the Government was grave in proportion to the magnitude of the office which he held; that because a man is holding a high office is no reason why he shall be allowed to disregard law.

I will read something which was said recently in the Senate upon that subject. I read an extract from a speech delivered in the Senate by the junior Senator from Wisconsin [Mr. QUARLES] a few days ago on another subject, in relation to the matter of the disregard and infraction of law by high officials. Said the junior Senator from Wisconsin in the Senate on the 23d of April of this year, when discussing another question:

Constitutions are made to be obeyed by governors as well as by other men. Laws become a mockery if they may be broken as often as the lawbreaker decides that no good purpose would be subserved by their observance.

The poor wretch who steals a loaf is not permitted to explain that the crime was necessary to preserve the life of his children and worked no actual hardship to the lawful owner. His eyes are dazzled by the gleaming radiance of the law, and he is hustled off to jail.

But larceny too often becomes respectable when it becomes great. Under this sentimental view a crime may assume magnificent proportions and challenge admiration. A high officer who robs a legislature of its prerogative and appropriates it to his own use may escape condemnation by arguing that it would have done no good to follow the mandate of the law, and that by taking the constitution by the throat he has subverted the public weal.

This Chamber is the place where law should be sacred for its own sake, and where such a lame and impotent excuse should not pass current.

Those are the words of a distinguished Republican Senator, and applying the principle so strongly stated, I say that upon the day when the Secretary of War issued the order allowing this extravagant extra pay to Army officers in Cuba—to a part of them, not to all of them; a favored few—there stood upon the statute book the command that he should not do so; and if there was a necessity and a propriety that there should be this increased pay, Congress was here in session on the day the order was issued, and to Congress the report should have been made that these officers were in positions where they required increased compensation, and the authority of Congress should have been asked in order that this pay might be granted if the necessities of the case required it. To issue the order without the authority of Congress was a violation of law.

Mr. President, how is it that it was recognized as proper in the case of four officers to grant the enormous increase of pay and not in the case of others? How was it that General Wilson, commanding an independent department, and a gentleman, as everybody here knows, well qualified to occupy a position of dignity and to dispense its honors and its requirements, was not given an additional allowance? Why was it that General Lee, equally qualified for such dignities and duties, had none allowed to him? Under the law neither of these officers was, in my opinion, entitled to such additional salary and allowances; but if one was entitled, then all of them were entitled to such additional compensation.

What is there in the office of commanding officer in Cuba that requires that he should exercise functions of greater dignity than an officer commanding an army in the field? Where is the law which authorizes the payment of an additional salary and allowances to this officer, which added to his regular pay gave him a compensation greater than that paid to any other officer, civil or military, in the United States, the President of the United States alone excepted? What obligation was there upon this Government to put him in a position of vice-regal state and splendor? What obligation was there upon this Government that everyone who claimed to have any personal importance in Cuba should be the guest of this officer?

Is there any other officer, civil or military, of the United States, either at home or in the service of the Government at foreign courts, who could be, by Executive order, allowed additional compensation because the salary given him by law is not sufficient to enable him to maintain his state and keep up the dignity of his office in the personal entertainment of those who might expect such attentions?

A month ago, when we had this subject under consideration, the Senator from Connecticut [Mr. PLATT] ridiculed the idea that we would inquire into how much furniture and how many servants an officer had furnished him at the public expense. I am sure the Senator will not also ridicule the fact as disclosed that one of the officials in Cuba has been using the Cuban funds with which to buy his personal apparel.

Mr. PLATT of Connecticut. To do what?

Mr. BACON. To buy personal apparel. I will say something about that a little later. I am dwelling upon this branch of it too long. I am simply illustrating the necessity that we shall make a thorough investigation of receipts and expenditures, and I illustrate the necessity by the fact that there have been these illegal expenditures, and the reason to believe that there have been innumerable misappropriations of which we have not yet even heard the suggestion.

But, Mr. President, at the same time that that resolution was passed by the Senate calling for certain information from the Secretary of War, and to which he responded, there was another resolution. It has been publicly stated in Washington, it is rumored everywhere, it is published in the press, it is charged on the streets, that in Cuba there has been the most extravagant expenditure of the Cuban funds for the purpose of providing officers with the most extravagant and luxurious quarters, providing them with servants, providing them with carriages, providing them with horses, and providing the servants liveries, and all out of the Cuban money, amounting to hundreds of thousands of dollars. That second resolution called for a report relative to those charges.

A month ago that resolution of inquiry was sent to the Secretary of War, and there has been no response to it. I am not criticizing him for lack of response. I presume that he is, in pursuance of his duty, endeavoring to get the information. I only allude to it for the purpose of showing the necessity for a Congressional investigation. These misappropriations are insignificant in amount when compared to the millions of dollars charged to have been misappropriated on other accounts. When these are charged—the misappropriation of a trust fund, which we are bound in the highest honor to see a proper appropriation of—it is our duty by a most thorough and searching investigation to ascertain whether

the charges are true or whether the money has been properly expended.

But, Mr. President, we are not confined to charges or rumors. We go still further. Within the past week and immediately before the introduction of these resolutions there has been disclosed the admitted fact—one to bring the blush of shame to the cheek of every American—that civil officers in Cuba, trusted by this Government in the discharge of high public duties, have embezzled large amounts of the money which belonged to the people of Cuba and which have been collected from them by the agencies of the United States.

Mr. President, nobody knows how much those amounts are which have thus been disgracefully embezzled. It was first said that there was about thirty-odd thousand dollars which had been stolen; then it was said \$75,000, and now it is given out that it may be \$400,000. It was first given out that it was one man who was guilty; it has since been announced that there are several; and it is now further stated that there is a ramification of the thieving conspiracy which will include a great many men, all of them the officers and agents of the United States, men who had not only been intrusted with the collection and disbursement of Cuban money, but who had been selected and sent there to illustrate to Cubans the purity and honesty of our public service.

Mr. President, nothing more strongly illustrates one point which I suggested in the early part of my remarks as to the character of the power which we have intrusted to the officials in Cuba than the powers that were given to one man placed in charge of the postal department, under whom there has been this very disgraceful and mortifying theft of the funds of the people of Cuba. I will read a statement, which by examination I have found to be correct, showing the powers that the director of posts was, by military order, given in Cuba.

Here in the United States we have all the checks and balances of law. Here we have the expedients, all that can be possibly devised from experience and the most careful judgment, to protect the public against the misappropriation of money, with no power given to one man but what there is somebody else to check him. And yet when we took possession of the postal department of Cuba, having, as we did, the full knowledge of the perfect system we thought necessary at home, when we put Mr. Rathbone in control or permitted it to be done, here were the powers which were given to him—

Mr. FORAKER. From what is the Senator about to read?

Mr. BACON. I will state to the Senator that I am about to read an extract from the Washington Post; but I will state further that I have here, which is at the Senator's command, if he desires it, the order issued from Army headquarters, division of Cuba, which specifies the powers of those who are in control of the postal department in Cuba.

Mr. FORAKER. What is the number of the order?

Mr. BACON. Here it is. I say that so far as I have been able to judge in the examination, this is a succinct statement of the powers which are authorized in that order. I hand the Senator the original. This is the statement as published in the form of a narrative in the Washington Post, giving in the course of it a statement of these powers conferred on the director of posts. It says:

Mr. Rathbone arrived in Habana in December, 1898, just before the evacuation, with his wife and stepson. He had evidently come for work, not for display. He took modest apartments and lived frugally. Early in January, 1899, he was installed in office. Businesslike methods characterized his induction. There was work to do, and he proceeded to do it. Not until he had made a tour of the island, to inspect its post-offices, did a change come over Mr. Rathbone. The change was marked. It seemed to dawn upon him that only the Governor-General ranked him in official importance. The Cuban postal code had been prepared and promulgated. It invested the director-general with authority supreme.

Now, this is the part which I say is borne out by the order which the Senator from Ohio holds in his hand:

His power was complete. He could appoint and remove postmasters, fix salaries, and make contracts at will. Everything connected with the postal service was intrusted to his hands. It is true that he was required to make periodical reports to the Governor-General, but these merely showed the receipts and disbursements—nothing more. Governor-General Brooke was an easy-going ruler, and there was no interference with the department of posts.

The narrative then proceeds as follows:

NOW REALIZED HIS POWER.

Once realizing the authority vested in him, Director Rathbone utilized it to the limit. He gave up his frugal domestic quarters and took a house in the Cerro at \$3,000 a year. This rental was charged up against the Cuban postal revenues. The house needed repairs, and they were made. It needed refurnishing, and the new furniture was provided. The director-general soon had a carriage and team of horses; likewise a footman. He began to entertain. The functions at the home of the director-general of posts became one of the features of official life in Habana. He cut a social figure second only in importance to the Governor-General.

Mr. Rathbone's salary at that time was \$4,000—only \$4,000—but, then, the house was provided, his allowances were liberal, and he succeeded in worrying along. A per diem personal expense allowance of \$5 helped him to make both ends meet, and when he traveled—and he traveled a good deal—all his expenses were paid. One of his trips to the United States cost the Cuban

government over \$1,000. His stepson, young Mr. Milliken, was on the pay roll at \$1,800 all last year, but, as stated yesterday, gave up the place in January to come home and go to college, and Mr. Corrydon Rich, of Muncie, succeeded him.

TREASURER NEELY AND AUDITOR REEVES.

All this time Mr. C. F. W. Neely, whose experience in running a country newspaper in Indiana had especially equipped him for duty in the postal service, was Director Rathbone's right-hand man. He was originally designated as chief of the bureau (or division) of finance of the department of posts, but was later given the title of treasurer. He was in full charge of the finances of the Department. From \$1,800 his salary was raised to \$2,500, then to \$3,000, and ultimately to \$3,500. This was allowable under the Cuban postal code, authorizing the director to fix salaries. Neely's successive promotions offered substantial evidence of the director's appreciation of his services. When the treasurer came to the United States on business, official or mixed, all his traveling expenses were paid.

The director approved one expense account of \$30 a day, according to recent disclosures. It is told to the credit of Neely that on one trip to New York he brought over a million dollars in postal revenues and did not run away with it.

Director-General Rathbone's second lieutenant, or official next in importance to Treasurer Neely, was Auditor Reeves, the Tennessee man assigned to service in Cuba by the War Department upon the recommendation of the Post-Office Department. Neely had charge of the funds and Reeves had charge of the accounts. How well this combination worked is revealed by the admitted shortages of \$39,000 in 1899 and of \$36,000 in 1900, up to May 1.

RAISED THE DIRECTOR'S SALARY.

While Director Rathbone could fix salaries at will, and allow anything in the way of expenses that he deemed reasonable, he hesitated to raise his own salary. Therefore he applied to the Postmaster-General for an increase from \$4,000 to \$6,500. The application was made some months ago. The increase was finally allowed late last year, and was dated back three months on account of the delay in acting upon the matter in Washington. Taking into consideration his salary of \$6,500, his free house, and many other allowances, no Cabinet officer in Washington has ever fared as well as he.

Meanwhile the department of posts was steadily growing in importance. The expense of running it became enormous. There were officials and subordinates innumerable. The salary list was very large. The corps of inspectors, or special agents, numbered nine. There were some 300 post-offices on the island to inspect. These inspectors, or special agents, may have been trained men, especially skilled in the duties assigned them, but their inspections, if they ever made any, never revealed anything wrong. The expense of maintaining the department of posts, as it developed and its business grew, ran up to about \$200,000. This was largely in salaries.

RATHBONE'S USE OF CUBAN FUNDS.

It has been known ever since last Sunday, when the Post made the positive statement, that the official days of Mr. Rathbone in Cuba are numbered. There is still no charge on the part of the Post-Office Department authorities that he has been guilty of a criminal offense, such as would lead to his arrest, but the evidence of gross dereliction in the discharge of his duty is beyond question. Indeed, the Postmaster-General yesterday stated, when the matter was brought to his attention, that the accounts brought to Washington by Inspector-General Burton showed that some of the Cuban revenues had been expended by Mr. Rathbone for purely personal purposes.

It was published yesterday that when Mr. Rathbone was allowed an official residence in Habana, he forthwith proceeded to furnish it at the expense of the Cuban fund, and that the itemized bill for these furnishings included hosiery and other articles of underwear. According to the printed story, the Cuban clerk who was asked to make out the warrant for these articles refused to do so, on the ground that such practices were far beyond anything in the way of official extravagance under the Spanish régime. An American clerk in the office thereupon made out the warrant, which was countersigned by the auditor, approved by the military authorities, and paid. The amount involved was \$3,000, and it is said the goods were purchased in Philadelphia.

Of course, we all know that this Mr. Neely is the man who has so shocked this country, and, as I say, brought a blush of shame to the face of every man regardless of party. His special prominence is due to the fact that he is the first of the embezzlers whose theft was discovered—

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. Certainly.

Mr. HALE. Will the Senator read again that what I may call the charter of power that was given to Major Rathbone?

Mr. BACON. Yes, sir; it says:

It seemed to dawn upon him that only the Governor-General ranked him in official importance.

Mr. HALE. Not that, but—

Mr. BACON. I am coming right to it; I am reading it in its connection.

Mr. HALE. All right.

Mr. BACON (reading)—

The Cuban postal code had been prepared and promulgated. It invested the director-general—

That is, the director-general of posts—

It invested the director-general with authority supreme. His power was complete. He could appoint and remove postmasters, fix salaries, and make contracts at will. Everything connected with the postal service was intrusted to his hands.

Mr. HALE. What I wanted to say here is that this is a remarkable manifestation of what follows when seeking to teach alien people self-government. That is a charter of power that is as great as was ever given to a Roman pro-consul. There is nothing like it in this Government. There is nothing like it in the United States. It is an absolute, unrestrained, unlimited power. And all of us ought to have known before this time that there will never happen an instance where such unbridled authority is given to a single man that there will not be abuses under it. It is a departure from our whole system of governing people. If you

go on in this way, Mr. President, and that is the fashion of teaching the people of Cuba self-government, when you commit it to one man you will never be rid of Cuba.

Now, I know Major Rathbone. I have known him for years. All my impressions about him are favorable. I know him to be an efficient man. I have always believed him to be an honest man. But no man can take such a limitless authority among such a people as the Cubans without finding that it is abused by his subordinates, abused by the men under him, and in the end he will suffer. It is incident to the situation, Mr. President.

Mr. FORAKER. I am not going to interrupt the Senator at all, but I ask that the document to which the Senator has referred may be printed as a Senate document. It is General Order No. 115. It is a very important document, I think, rather formidable in its provisions; but I should like to have it printed.

Mr. BACON. I would be very glad, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. SPOONER. It is to be printed as a Senate document?

Mr. FORAKER. Yes; as a Senate document. It is here printed in both the English and Spanish languages. Let it be printed only in English.

Mr. ALLISON. What is the document?

Mr. FORAKER. It is an order issued by the commanding officer in the division of Cuba appointing the director of posts and defining his powers and legislating at very great length as to what shall constitute crimes and offenses and what the punishment shall be. Some sixty or seventy crimes are defined and punishment provided for the commission of those offenses. I think it is better to have the document printed than to have what is in the newspapers.

The PRESIDING OFFICER. If there be no objection, the request of the Senator from Ohio will be granted.

Mr. BACON. I am not only willing that the document shall be printed, but I should be delighted if the Senator would ask that it be inserted in the RECORD at the conclusion of my remarks. It is the most remarkable exhibition of absolute power that can be found anywhere in the history of this Government.

Mr. President, in the former part of my remarks I was speaking of amounts. When I was speaking of the amount which has been expended in Cuba, I read the report of the Secretary of War showing that in the year 1899 there had been collected over \$16,000,000 and that there had been spent over \$14,000,000. I then omitted an additional statement. I now recur to that branch to say that I have seen somewhere another statement of the collections and expenditures in this year. I ought to be able to speak of it more specifically, but just now I can not. However, I saw in some official statement, or some semiofficial one, that up to the 30th day of April of this year the total amount—

Mr. PLATT of Connecticut. It is in Secretary Root's reply.

Mr. BACON. The Senator from Connecticut kindly tells me it is in Secretary Root's reply. The statement is that up to the 30th of April the amount collected has been over \$20,000,000, including last year, 1899, and 1900 up to the 30th of April. This statement was that the amount collected in Cuba from the people of Cuba has been over \$20,000,000, and the amount expended during that time has been over \$19,000,000.

Mr. PLATT of Connecticut. About twenty-two million.

Mr. BACON. I know it was stated that nineteen million had been expended.

Mr. SPOONER. If the Senator will allow me, I will give the figures from the Secretary's report.

Mr. BACON. I am very much obliged to the Senator.

Mr. SPOONER. The amount collected is stated to have been \$21,026,572.76, and the expenditures \$19,280,512.21.

Mr. BACON. It had escaped my memory where it was exactly. I am obliged to both Senators for giving me the accurate information.

Now, Mr. President, to return from the diversion, it is going to be contended here, I imagine from certain intimations I have had from Senators of the dominant party, that this investigation ought not to be undertaken by Congress, but that it ought to be left to the Executive Departments. I shall have something more to say about that subject; but I wish to say in passing here that with the statement just made, which I have no doubt is true, as to the large number of men charged with the duty of investigating in Cuba and seeing that the postal department was properly managed there, and with their utter failure to comply with their duty, in the presence of this immense embezzlement of funds, the proper authority to investigate is not the same body of men among whom these frauds have been committed, and among others of them who, while themselves innocent, and who, while they have no connection with the frauds, will, by reason of their most unfortunate association officially with those who are guilty, have of necessity to be included in the scope of the investigation.

Another reason demanding Congressional investigation is this: An expert accountant can, in the examination of books, trap the

thief who has embezzled the money with which he has been intrusted. But only through the searching examination of witnesses and the personal examination of the locality and of the public works which have been constructed can there be detected the plunder of millions of dollars through jobs given to favorites and through dishonest contracts and dishonest work under contracts. If there have been such jobs and dishonest contracts and dishonest work under contracts as are charged, they have escaped the knowledge of the departments in Cuba under which the work has been done. This investigation, in order to be effective and of value, must necessarily be most thorough and exhaustive. We have brought this necessity upon ourselves by permitting this absolute government, a practical dictatorship, to be set up under our authority.

I have another statement here as to the amount of stamps unaccounted for, and as to which there may be a defalcation of \$400,000. Whether the defalcation in this one instance will reach this enormous figure can not now be told. But the possibility shows the necessity for an investigation. It is as follows:

\$400,000 IN STAMPS UNACCOUNTED FOR.

The matter, therefore, rests at the point where Col. G. H. Burton left off, and his report to the War Department shows that a commission, of which Neely, the treasurer, and Reeves, the assistant auditor for posts, were members, was appointed to destroy \$400,000 worth of stamps which were subsequently found to be in circulation.

Another phase of the matter which has yet to be cleared up relates to the disposition of the amounts paid to Director Rathbone on requisitions approved by Governor-General Brooke and Governor-General Wood, which he certified were necessary to make up the deficits in the postal accounts. From January 25, 1899, until June 30, 1899, the deficit amounted to \$14,270, but the Cuban postal receipts always fell behind the expenditures, and it was necessary for Director Rathbone to make quarterly calls upon the Governor-General. The published reports of the War Department show that Capt. E. F. Ladd, treasurer of the island, paid to Director Rathbone, up to December 31, 1899, somewhere between \$218,022 and \$420,927, when the Post-Office Department had no knowledge that a deficiency existed.

I wish to read further about this Mr. Neely in connection with his service there, because, Mr. President, all this illustrates what is the direct result of the system of government which we have permitted to exist in Cuba for two years, and it illustrates, if we are to discharge the obligation which we have of seeing to it that all the money raised in Cuba goes to the people of Cuba, the necessity that some other department of the Government shall undertake the investigation and that it shall not be left to the administrative department.

I am reading still from the narrative in the Washington Post, and of course, in reading it, I necessarily assume the position of giving it credence and saying that I believe it to be true. I am bringing to the attention of the Senate facts from reputable sources which call for investigation to see whether or not they are true.

NEELY BECAME A MAN OF AFFAIRS.

The authorities are daily coming into possession of new facts concerning C. F. W. Neely, of Muncie, Ind., the defaulting treasurer of the department of posts, who set such a lively pace for thrifty Americans in the service. How his original appointment came about is not of much consequence, since he entered the service for duty in Porto Rico as an ordinary \$1,800 clerk, a position requiring no great political backing. His appointment was made from Washington. But how he happened to be seized upon for fiscal agent in Cuba, for treasurer of the department of posts at increased emolument, and intrusted with the handling of hundreds of thousands of dollars, is another story that is not so clear. When he left Muncie he was practically without means. He made oath in 1898 that his worldly possessions amounted to \$175. But once transferred to Cuba, he became a man of large affairs. His Government position was a mere incident. There was capital behind Neely. Chiefly he was engaged in erecting a brick plant, in forming a coconut trust, and in entering into a contract with the city of Habana for paving miles of streets.

Mr. President, before I get through I want to have something to say about the matter of the contracts under which there has been this vast expenditure of the money collected by taxes from the people of Cuba. Here is one thing to be investigated, charged by a reputable witness—the contract with Mr. Neely for the making of brick and for the paving of miles of streets in Habana.

This contract, signed, is now in existence.

Mr. President, how could the contract be signed, how could it be made, except that those who I understand Senators will insist here should be intrusted with this investigation were cognizant of it and parties to it?

Neely expected to manufacture brick at \$4 a thousand; he was to get \$19 a thousand in his paving contract. Governor-General Wood now knows all about it. The Neely Printing Company, at Muncie, meanwhile was keeping its presses running turning out postal blanks for Cuba. So successful was Neely that his services were in additional demand. He boasted of big offers made him by capitalists to manage their interests. The Muncie man, who in 1898 had only \$175, scorned a salary that would tempt a bank president.

The Government has seized most of Neely's property holdings and will not, it is understood, give up the \$20,000 cash bail—two \$10,000 gold certificates—which he admits are his own, transferred from Muncie to New York.

Here is a résumé, as it were, of the history of this very unfortunate and disgraceful occurrence:

On April 23, the director of posts, E. G. Rathbone, made a report, which was forwarded to the Post-Office Department, in Washington, and which stated that the postal accounts in Cuba had been examined and found to be correct. In this report Treasurer Neely was especially commended for the ability displayed in conducting the business of his office.

On May 5 Treasurer Neely was arrested at Rochester, N. Y., charged with embezzling \$96,000 of Cuban postal funds. Over \$6,000 was found in his possession. His arrest was based upon an investigation by Colonel Burton, inspector-general of the War Department at Habana, who made an investigation subsequent to that of Director Rathbone, and reported that shortages had existed in the department of posts for months. The condition of affairs disclosed was so serious that Inspector Burton was ordered to Washington to make a report in person to the War Department.

On May 7 Treasurer Neely was released on \$20,000 bail, furnished in the form of two \$10,000 gold certificates. This cash bail came from the Seventh National Bank of New York. The vice-president of this institution explained that the cash bail was furnished upon telegraphic request of President Spilker, of the Union National Bank, at Neely's home, Muncie, Ind. President Spilker at once denied this statement, and it is now alleged that the \$20,000 deposited for Neely belonged to Neely himself. Neely was not a man of wealth when he entered the Government service, at a salary of \$2,500 a year.

OTHERS KNOWN TO BE IMPLICATED.

On May 9 the Associated Press correspondent at Habana reported that the department of posts in Cuba admitted a shortage of \$75,000; that the investigation showed that systematic frauds had been perpetrated for months; that two subordinate officials had been suspended, and that others were known to be implicated with Neely in the conspiracy to loot the Cuban postal revenues.

On May 10 an Associated Press dispatch from Habana stated that one of the suspected officials had made a confession, and that several arrests would follow in a few hours.

Later in the day an additional dispatch (Associated Press) came from Habana to the effect that there had been a change of programme; that no further arrests would be made "at present;" that Director Rathbone was cooperating with Governor-General Wood in an effort to "solve the problem," and that it was deemed advisable not to give out further information pending the investigation.

Large contracts were given to the Neely Printing Company, of Muncie, Ind., for postal supplies in Cuba. These contracts are said to have been given by Neely, and the Department in Washington has no record of the transactions.

The Post-Office Department in Washington admits that remittances of money-order funds from Cuba had been in arrears for months; that large sums had been allowed to accumulate in Habana, owing to difficulties in the way of prompt transportation. In the face of this explanation is the fact that, prior to his arrest, Treasurer Neely had made frequent trips to New York; that he was engaged in big enterprises in Cuba on his own account, backed by New York capitalists, which necessitated visits at short intervals to the United States, thus showing that the treasurer himself could have personally attended to the transportation of the funds to the depository in New York. The Post-Office Department in Washington also had trusted agents and facilities at its disposal to transport these accumulating funds had proper official vigilance been exercised.

NEELY HAD MONEY AND DIAMONDS.

NEW YORK, May 11, 1900.

Post-Office Inspector John D. King, who is the complainant for the Government against Charles F. W. Neely, the chief financial agent of the postal service in Cuba, charged with embezzling Cuban postal funds, when questioned to-day as to what was found among Neely's effects when arrested, answered:

"A great many stories have been published in regard to that matter that were incorrect. The exact amount of cash found upon him was \$6,502. There were also found two gold watches, two diamond rings, worth at least \$500 each, and \$8,000 worth of shares of various stocks."

Mr. President, there is no man who has any regard for the honor of his Government who can have any satisfaction in calling attention to this gross violation of the trust reposed in these officers. Outside of the question of duty, if it were a matter to be revealed by me for the first time to the public, it would give me exceeding pain to have to bring to the attention of the world the fact that there has been this embezzlement of the funds which we hold in trust for the people of Cuba. But there is no fact which I have mentioned which has not already been published to the world, and I have not mentioned any details which have not also already been made public through the press.

But the question is whether the Congress of the United States should sit still and do nothing, or whether, in the face of this gross violation of duty, these villainous thefts of Cuban funds by the officers of one of the Departments of the Government, we shall say that we will go to the bottom of it, or whether we shall leave it for others to attempt to do so.

Mr. President, if it were only the Post-Office Department which was involved, there might be a strong argument presented as to why this investigation should be left to the Post-Office officials, because they are a trained body of men familiar with those matters, and perhaps better capacitated than any others for a proper investigation of the facts, and if an investigation shall be entered upon by the Senate those officers must be largely used in the prosecution of the investigation. But it is not a proper thing in my opinion, in any instance where there has been a widespread conspiracy by which there have been embezzlements of the funds of one Department, to leave the investigation altogether to that Department.

Mr. President, I do not wish to reflect in any manner on the Postmaster-General. It is unfortunate for him that the first disclosure is of misappropriation in his Department. I have not the slightest doubt he has selected men he thought to be honest. The fault has been in the absolute form of government, the dictatorship, the aping of the colonial system of monarchical governments, under which will ever reek frauds and corruption. There is no man who could occupy the position of the Postmaster-General and endeavor to carry on such a department in Cuba under this system of absolutism, dictated by military orders, but what he would be liable to the same disasters in the administration of his office.

But outside of that, I say that the reasons for Congressional investigation which relate to other Departments are stronger than those which relate to the Post-Office Department. The money which has been spent in Cuba has been very largely spent in public works—very much the largest part of it has been spent in public works. To simply get a reply from a Department that a million and a quarter of dollars has been spent in providing barracks and quarters in one year, and showing vouchers accounting for the expenditure of that amount of money, is not getting the information which we ought to have. In such case and in all other cases the information we ought to have is not simply the amount which has been spent for any given work, but more particularly, how it has been spent; in what work it has been spent; was that work necessary, and has it been prudently and economically done. Was there any job in it? If so, who authorized it and who was enriched by it? Was it done by contract; and if so, what was the value of the work and what was the amount paid? Was that contract advertised? Who was the contractor? Who was interested in it?

There are rumors, Mr. President, as to people being interested in contracts down there who ought not to have had any part in those contracts. They may not be true; I trust they are not true. But the question is, Shall we investigate those charges, which are everywhere, or shall we shut the door to investigation?

Mr. President, it is alleged that there is a railroad built down there out of this money. The proper thing to do is not simply to receive a statement of facts that a million dollars have been used in the construction of a railroad. I am using that amount simply for illustration, not knowing what was the cost, although it is rumored that the cost was enormous. It is a very simple matter for those accountable to say this railroad was built, and here are the men to whom we paid the money, and here are the vouchers.

We want to know why a railroad was built out of this money; we want to know who built it, and if it was built by contract, who were the contractors; if it was built by day labor, who superintended it; what officers were paid to take charge of this matter; how much were they paid, and where are the expense accounts and the property bills? And also is it true, as charged, that hundreds of thousands of dollars have been spent in the renovation of buildings, to be occupied by our officers, and not only in their renovation, but in their decoration and luxurious furnishings? If so, at whose expense was it done; for what purpose; for whose benefit; under what necessity; who did it; how much did it cost, and what was the proper cost? If done by contract, who were the contractors? If material was bought, from whom and for how much? There is a statement also of an expensive wharf built down there, and there are charges of jobbery in it. There are charges that the wharf was not needed and has never been used, but that it was undertaken and built to give fat jobs to favored parties. Are we going to shut the door to investigation and not see whether they are true or not? If true, that ought to be known; if untrue, still more, that ought to be known. There are doubtless many officers, civil and military, in Cuba who have had no agency or connection with any wrongdoing. An investigation is necessary to absolve them as well as to identify those who have failed in their duty.

Mr. President, I understand from intimations which have been made to me by Senators that those who are charged in the Senate with attention to such matters as relate to Cuba, at least the dominant portion of that committee, do not desire this investigation. I am told—I learn in private conversation, and I suppose there is no impropriety in my mentioning it by way of anticipation—that the purpose is to make a reference to this matter to a committee, or to the committee, with a view to its modification or possibly to its rejection. I understand from statements made to me by Senators that they are rather startled at the magnitude of the work. Some Senators have said to me that it would take all the balance of the year to make this investigation. Well, Mr. President, that is no argument against the propriety of the investigation; that is no argument against the imperative duty of making the investigation.

If there ever was an obligation resting upon a government to make an investigation, and upon the legislative department of the government to make an investigation, it rests upon this Government and upon the legislative department of this Government.

If Senators of the dominant party on that committee do not wish to undergo the labor of that investigation, there are other Senators who are willing to undertake it. If they are not willing to undertake the work, I pledge the Senate that there are Senators here who, if intrusted with it, will undertake it and prosecute it faithfully, laboriously, untiringly, until all the truth has been brought to light. Let Senators, if they will, put us to the test.

An investigation, according to the law of parliamentary procedure, ought to be put in the hands of those who are in favor of the investigation. That is a fundamental rule, but of course party interests and party requirements vary generally and almost universally result in the violation of that parliamentary rule. I

do not speak of it as a violation of duty; I mean simply what I say, that it is a violation of the rule of the law of parliamentary procedure; and public duty, although I am unable to conceive it, may be in some cases in accordance with that violation.

I do not discuss further that part of the question, but, to give it the strongest emphasis, I repeat, Mr. President, if Senators who are upon that committee are unwilling to undergo this labor; they ought not to shut off the inquiry on that account, because there are Senators who are willing to undergo it, Senators who, regardless of personal inconvenience and at the sacrifice of their personal ease and pleasure, will make an exhaustive investigation, so that at its conclusion there will be nothing hidden, nothing covered up.

Are Senators afraid that the investigation will result in anything else than the ascertainment of the truth? It must be held with open doors, or at least it certainly ought to be; the witnesses must be on oath, all parties at interest will have opportunity to be heard, and I ask Senators, if they are themselves unwilling to undergo this labor, to let Senators in this Chamber, who are willing to do it, undertake it.

Mr. President, I want to call attention to one fact before passing away from the contention that the conditions demand Congressional investigation. When the question was before the Senate very nearly a month ago upon the resolutions which were introduced, calling for information from the Secretary of War, the Senator from Montana [Mr. CARTER], in the course of the debate on the 21st day of April of this year, made this statement:

Mr. President, I took occasion to call at the War Department this morning, and there found that they had received yesterday, or possibly this morning, through the mail, four volumes written up in response to this resolution, four bound volumes of written matter, containing a transcript of the accounts in detail as kept in the various divisions and subdivisions in Cuba; and these accounts will doubtless be transmitted here during the day or during next week, when the proper entries can be made in the regular course of business in the War Department. That supplemental report will show in detail what the records of the War Department did not show on the 15th of February, and what they were never intended to show in the light of the system of accounting to which I have referred.

Mr. President, that statement was made in the Senate by the Senator from Montana on the 21st day of April, and this is the 16th day of May, and the books which he then said were in the War Department, and which were to give the information which was then being sought, have never yet been sent to the Senate; or, if they have been, I have no information to that effect.

If there has been any response to that, I have not had information as to the fact.

As I said, Mr. President, there is another phase of this question which I think is of a more serious character than any I have yet suggested; and that is that in my opinion—and I speak of it in the most moderate language—it is a matter of extreme doubt whether there is any warrant of law to-day for the presence of our Army and our officers in Cuba, and whether there is any warrant of law why we should continue to collect any money from the people of Cuba by taxation.

By what authority are we in Cuba? We are certainly not there unless there is authority of law enacted by the Congress of the United States. Unless there is authority of law we have no right in Cuba, and the question of that right must be measured by the law as it has been pronounced by Congress. There is no doubt that our original occupation of Cuba was by the authority of act of Congress. But the question is, Has our remaining there in the exercise of absolute governmental control until the present hour been in pursuance of any act of Congress?

By what authority are we there? Are we there in the exercise of any war power? Certainly not. There can be no exercise of war power when there is no war and where we are not occupying conquered territory. Are we there in possession of conquered territory? Certainly not. Cuba has never been recognized or claimed by us as conquered territory. We are there, Mr. President, under the terms of the avowal by Congress of its purpose in invading Cuba, and under the result of negotiations with Spain as expressed in the protocol and in the treaty of peace, in exact furtherance and pursuance of the announcement of the purposes of that invasion.

There is but one expression, Mr. President, ever uttered by Congress which designates the purpose for which we invaded Cuba, which designates the function which we intended to perform when we got there, and which designates what shall be our tenure and when it shall be terminated, and that is the declaration of war. There has never been a line or a letter in the way of legislation by Congress with reference to our presence in Cuba, with reference to our powers there, and with reference to what our tenure shall be, and when it shall be ended, except the declaration of war.

We expressly disavowed that we went to war for the purpose of exercising any power over Cuba as a conquered country; we expressly disavowed any intention to acquire it. On the contrary, we pledged ourselves to the world that when we had released that island from the power of Spain we would do but one other thing,

and that one other thing was that we would pacify the island. We did not say we were going there to develop it; we did not say we were going there to educate it. We said we were going there for the sole purpose of liberating it and of pacifying it. Here is the expression which is found in the declaration of war against Spain for the liberation of Cuba:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

Mr. President, there is no ambiguity in that language; there is no reservation in it. It is plain, and it is complete and final in its expression.

What further happened? After the success of the American arms and preliminary to a treaty of peace there was a protocol entered into, in which the basis of the terms of peace were stated, and in which certain things were agreed upon as final in advance of the formal treaty of peace.

Keeping in view the fact that we stood pledged not to acquire Cuba, not to hold it as a conquest, it will be remarked that when the protocol was drawn up, while there was a provision that Spain would cede certain specified territory to the United States, when it came to provide for the island of Cuba the provision was one directly in accord with the provision in the declaration of war: for while it provided that Spain would cede the island of Porto Rico to the United States, it also provided that Spain would simply relinquish all claim of sovereignty over and title to Cuba, showing that the purpose was kept in view and the pledge respected by those on our part who were entering into this preliminary contract; that our mission so far as Cuba was concerned was limited to securing her freedom and to the pacification of the island. When the treaty of peace was formally made in Paris exactly the same recognition was still had; that while the island of Porto Rico was ceded to the United States, the agreement with reference to Cuba was that Spain should simply relinquish "all claim of sovereignty over and title to Cuba."

So, Mr. President, there can be no possible question of the fact that our presence in Cuba to-day is a presence to be justified solely by the question whether or not what we are doing is in the line of pacification of the island and essential to the pacification of the island.

I submit, Mr. President, as a correct proposition, this: Whatever we have done since the close of that war which was necessary to the pacification of the island was in accordance with law, and whatever we have done which was not necessary and proper for the pacification of the island was not in accordance with law. We are bound by law in that regard, as we are bound by law in any other regard. We are bound by law which nobody can enforce against us, but we are bound by law which must be adjudged in the highest court of honor—the court of national honor.

What was meant by the pacification of Cuba? Two things were meant. In the first place, it was understood that the pacification of Cuba necessarily involved the compulsory cessation of hostilities between Spain and the Cubans, and we made war against Spain for the purpose of enforcing that, and did enforce it. Then, it would be necessarily involved in the proposition that hostilities between the factions in Cuba must be made to cease; and that also has been done.

I think it can be stated as a fact that in nearly two years—lacking less than two months of two years—there has not been a hostile gun fired in Cuba. If there have been any disorders we have not had any information about them; and I respectfully submit that the duty of the United States Government, under the pledge which we made, was immediately after the cessation of hostilities and immediately after the pacification of the island, so far as the contention of Cuban factions might require it—our immediate duty was to proceed to the erection of a government among the Cubans, who should take authority and control over their own affairs, because the language of the declaration of war is not limited to a statement that we did not intend a conquest of the island. It goes further. It does not simply say that it is not our intention to exercise sovereignty. If the final conquest were the only thing intended to be disclaimed, the word "sovereignty" would have been the end of it. The words "jurisdiction or control" would not in that case have been inserted. The declaration expressly pledged us that we would not at all exercise "sovereignty," and that we would only exercise "jurisdiction and control" for the purpose therein expressed.

It is not the intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof.

Therefore all control except for the pacification of the island is in violation of that pledge.

Mr. President, I submit that the correct construction of that declaration can mean but one thing; that after the United States Government had stopped the war between Spain and the Cubans, had secured peace between the factions in Cuba, the only thing which would remain to be done under that resolution was, while we

kept the peace until Cuban authority could be set up, to give the Cubans the earliest opportunity to set up a government of their own, and then immediately leave them to the control of the island. Beyond that the declaration did not authorize anyone to go.

When hostilities ceased, when peace was restored, the law as declared by Congress gave to the United States authorities in Cuba no right of jurisdiction or control except to keep the peace until the Cubans could themselves be put in control. It is not a question as to what we might think best for the interests either of the Cubans or of ourselves. There would be differences among ourselves as to that. Some would say we ought to keep Cuba and others would say it is not to our interest to do so. However that may be, that is not the question. The question is, What is required by the law as Congress has declared it and as it now exists? Under this law, I repeat, our only authority was to keep the peace until control could be transferred to the Cubans. Under this law, whatever government was organized there while we thus kept the peace should have been a Cuban government, by Cuban officers, and of the Cuban people.

Instead of that, we have, without authority of law, organized an American government in Cuba as complete in its control as if we were in the military occupancy of an enemy's territory which we had conquered and which we intended to permanently retain.

By what right did we proceed to introduce into Cuba our postal system? Whatever postal system was erected in Cuba ought to have been a postal system for Cuba. Instead of that, there was introduced and organized a postal system with American officials—a system really a branch of our system, except that all the safeguards of the American system were discarded, unlimited power given to one man, and all the funds of the department left at the mercy of officials. It was all very proper that we should have sent our trained post-office officials there for the purpose of suggesting to the Cubans and giving to them, through proper instructions, the advantage of an organization with their own people and their own resources, of a postal system such as ours. As the result of such action there would have been a postal system in Cuba constructed with the view of its continued operation by the Cubans when we left them to the full control of their own affairs, and we would have escaped our present deep humiliation.

By what right, Mr. President, under what law, do we exercise any governmental function in Cuba, except such governmental function as is necessary to keep the peace and enable the Cubans to proceed promptly in the construction of a Cuban government?

By what right do we expend any of the money raised by taxes in Cuba, except for purposes in the line of pacifying the island and assisting them in organizing their own government? Sir, we have no other right, unless, in the exercise of pure arbitrary power, we violate the pledge we made when, in the solemn hour, we broke the peace of the world and stripped ourselves for the battle with the avowed purpose of the disinterested liberation of oppressed Cuba.

By what right has the office of governor-general of Cuba been created? By what authority have we aped the title that Spain gave to the officer she sent to rule over Cuba as a viceregent—a title made odious by the corruptions, the tyrannies, and the bloody cruelties of those who bore it under the rule of Spain? Where is the law that makes the military commander in Cuba the governor-general? Where is the law that authorizes anyone to have the title or authority of governor-general? Where is the law which authorizes anyone to confer on the chief military officer in Cuba the title of governor-general or any other title or authority of a civil character?

Of course what I am saying about this does not in any way apply to the Philippines or to Porto Rico, because the conditions are altogether different. We are exercising war power to-day in the Philippines, and would be if there were no hostilities, because that is a conquered territory to which we have never given civil government. We have until recently properly exercised in Porto Rico war power. The President exercises properly war power both in the Philippines and up to a recent date in Porto Rico, because each of them represents conquered territory which we had not authorized any civil government for; but Cuba is not a conquered territory. We do not hold Cuba as a prize, a spoil of war. We can not hold her as such. The President of the United States is not in Cuba to-day with the Army in the exercise of war power. We have no war with Cuba. We have never had war with Cuba. We have had war with Spain. We have made peace with Spain, and we have pledged ourselves that we would not hold Cuba as conquered territory. By what right, under what law, by what reasoning, can it be claimed that the President of the United States is exercising power in Cuba as war power?

My view of that is this: I think that so soon as the treaty of peace was made between Spain and the United States, it was the duty of Congress to say what it desired should further be done in that island, so far as it would exercise any agency in connection with the matter. It was the duty of Congress to say in what way there should be any proceedings taken for the purpose of the

creation and the setting up of a government there. It was six months after the cessation of hostilities before the Spaniards gave up the island. There was plenty of time in that interval to determine in what way we should proceed, and the pledge that we made was that we would not interfere with the liberty of that people; that we would not exercise control over them.

The avowed purpose here was this: It was said here in debate that it would not be proper, in view of the condition of affairs there, for the United States Government to withdraw and permit one faction to fly at the throat of another faction, and it was upon that reason that the argument was based that we should not recognize the Cuban Republic. But while for this reason we did not recognize the Cuban Republic, we did, in that resolution, declare the Cuban people to be "free and independent." And when the war closed and when there were no warring factions, then was the time for us, in accordance with the pledges we had made, to proceed to put the Cubans in possession of their own government.

Why do we delay? Is it that they may be educated to a higher plane of civilization? Are they not already as high in the plane of civilization as the inhabitants of the States of Central America? Do we hold it to be our duty to go to Santo Domingo and to Haiti—which are infinitely below Cuba in point of development and intelligence and in character of population—and to civilize those people? Do we propose to remain in Cuba until we have raised the inhabitants to a pitch of civilization such as we will approve? If not, when do we propose to carry out the pledge we made?

In my opinion, this session of Congress should not be adjourned until by act or joint resolution there is definitely fixed the early date when we will withdraw from Cuba and leave the control of the island to the Cubans.

Mr. President, we did not simply say that we would not exercise control over Cuba. We did not simply say that we would not take Cuba as conquered territory, but we said solemnly that we would recognize them as a free and independent people. I have here the eloquent speech made by the senior Senator from Ohio [Mr. FORAKER], which electrified this Chamber when he pleaded for the right of the people of Cuba, in view of their sacrifices and the struggle they were making for liberty, to be recognized as a free and independent people. We have said solemnly that they are a free and independent people. Of course we can repudiate our sayings, but shall we be true to them? And if we are to be true to them, is it consistent with our pledges that we shall continue to exercise over them exactly the government that we would exercise over a conquered people?

I ask Senators who I know are going to be heard upon this question to point out the difference between the authority which we exercise in Cuba to-day, and have exercised there for nearly two years, and the authority which we would have exercised if we had accepted Cuba as a part of the conquest of the war with Spain. Is it the purpose to bring this matter to a conclusion, or is it the purpose to continue Cuba indefinitely under our control, making fair professions of our generous intentions, which we falsify by continuing to hold her in the grasp of military power? We hear something about the census being taken and about municipal elections that are to be held, but I hold in my hand a paper which really indicates that there is not any purpose to bring it to a speedy conclusion; that, on the contrary, it is intended that we shall continue to hold Cuba. I have heard Senators say, not in debate, that we did not mean it when we said that we would not retain Cuba, but no official of this Government would say that officially, and no Senator on this floor, I think, would say it; and yet if we continue to act in this way, if we continue to hold the island, it is the same as if we openly avowed our purpose to break our pledge.

I am told by a press dispatch, the contents of which I suppose was secured directly from the War Department, that in the framing of the tariff and in the recent orders with reference to the tariff contemplation is had of what shall be the law there a year from now. We have held control of this island for nearly two years after the practical pacification of it. We have held control over it for nearly eighteen months after the evacuation of it by the Spaniards, and now the legislation, if I may use that term in applying it to executive orders of United States officials, because that is the only kind of legislation the Cubans now have, with reference to this island contemplates its continuance for at least a year or more. This press dispatch gives the substance of what is represented as a publication which has just been issued by the War Department, so that if it is not correct the document itself will show that it is not.

In speaking about Mr. Robert P. Porter, who went to Cuba for the purpose of making a tariff, and who was paid \$500 a month for his services, I will remark in passing, and who in five months and a half or six months and a half of service was not only paid at the rate of \$500 a month as a salary, but who drew in addition thereto an expense account of about \$500 a month during all of that time,

nearly \$20 a day, not including Sundays—of Mr. Porter, who went there for the purpose of drafting a tariff, this is said:

Mr. Porter and the other tariff revisers felt that they could do little to meet this strange situation, and recommended that the few changes they submit be tested for another year before more radical measures are employed.

That is the report of Mr. Porter, recommending another year, and in going on, giving a synopsis of this publication, speaking of the fact that it has been thought proper to reduce the tariff on railroad equipment, rails and things of that character, from 40 to 10 per cent, a very much greater reduction than is allowed to the people of the United States, by the way, this language is used:

In view of the necessity for the construction and reconstruction of railroads in Cuba, and upon the assurance given by the various companies that if material for the construction and equipment could be imported at a reduced rate they will at once begin to import large quantities, a special provision has been inserted in the tariff which allows railroad companies to import these supplies into the island for a period of twelve months from the date of promulgation at a rate of 10 per cent ad valorem.

That subsequent part of the dispatch is stated not simply as the recommendation of Mr. Porter, but as the rates which have been inserted in the tariff which has been prescribed by the War Department, showing the evident contemplation that our rule shall continue in force in Cuba for at least another year. I will simply remark by way of parenthesis that this same Mr. Porter, who thus revised the Cuban tariff and who thus so recently put all material for the construction and equipment of railroads in Cuba practically on the free list, is now credibly reported to be an officer or agent of the Van Horn Syndicate, which has been recently incorporated in New Jersey with a capital of \$8,000,000 to buy, construct, own, and operate railroads in Cuba.

But to return to the point, Mr. President, there is no law or justification for this continued control of Cuba; but if it is to be continued, there is a still higher and stronger obligation upon us to see to it that these extravagant expenditures shall cease, to see to it that there shall be no misappropriation or embezzlement of the money of the Cubans, and to see to it that every dollar of it shall go to the benefit of the people of Cuba, with an administration which shall be most economical and prudent. It does seem to me that if we contemplate the fact, as we are pledged to contemplate, that the island of Cuba is to be released from our control, this money which is collected in such large amounts should be kept for the benefit of Cuba when it comes to be organized into a government of its own people.

If these large amounts of money—over \$20,000,000—had been economically disbursed, and only such had been used as were necessary for the pacification of the island, as we pledged ourselves to do, there would have been when we came to set up this new government a good little fund in the treasury with which to start them off. As it is with the free hand, with an absolute power, with no accountability practically to anybody, with an expenditure which seems to have been graduated only by the amount of money that could be collected, a large part of this money has been stolen by our officials, and if reports are true, a much larger part of it has been misappropriated and squandered; and when the time comes to turn them loose, if that time ever comes, they will be absolutely without a dollar in their treasury.

Is it any excuse for us, when charged that we have thus extravagantly wasted the revenues of these poor people, that we have had officers there without accountability, spending many times as much as is spent by the governments of States very much larger—is it any excuse to say that we are not plundering them to the extent the Spaniards did in the dark days of their tyrannical rule? Is it any excuse to us that as forty or fifty million dollars a year were wrung out of the Cubans by the Spaniards, therefore if we do not wring over fifteen or twenty million dollars it is not so bad? And yet, sir, I have more than once heard made that exact reply.

It is charged that vast sums of money, hundreds of thousands of dollars, have been expended in the renovation and decoration of palaces to be occupied in regal state by our officers. Is it any excuse to say that when we evacuate the island the Cubans will have these palaces and get the benefit of their money which has thus been expended? This also is an answer which I have heard made to this illegal expenditure. The Cubans, when they come to set up their little republic, will need their money for other purposes than decorating palaces. And the same thing is true of other public works. It is for them to say upon which of them they will wish to have expended these millions of dollars, all of which belongs to them and not a dollar of which belongs to us.

Mr. President, there is no middle course for us to pursue in this matter. We can not delude ourselves and we can not deceive others. We can not dissemble; we can not equivocate. As we deal with Cuba, either with loyalty to our promise or in disregard of its obligation, so on the one hand will we merit and receive exalted honor, or on the other hand there will be to us the humiliation of the violated national faith.

Mr. President, there never was a time when a government ever

had such an opportunity not only to set itself upon a high plane, but to maintain itself upon a high plane, one of disinterested purity of motive, one which would challenge the admiration of the world, one which would go down in history as the unequalled example of sacrifice, disinterested and pure, such as the Government of the United States had, and as the Government of the United States may still improve, if we address ourselves solely to the question of the duty which we should perform, in the prompt and loyal redemption of our pledge that the Cubans shall be a free and independent people.

Mr. PLATT of Connecticut obtained the floor.

Mr. BACON. I forgot to redeem my pledge. I do not wish to evade it in any way. If any Senator desires to ask me any question in reference to any proposition I have suggested, I shall be glad to submit to it. Of course I do not wish Senators to understand me as challenging them. Still, I hold myself bound to give the opportunity to any Senator at this time.

Mr. FORAKER. During the progress of the Senator's remarks he suggested that I make the request that the document I named be printed in the RECORD at the end of his speech.

Mr. BACON. Yes.

Mr. FORAKER. I make that request now.

Mr. BACON. I hope it will be done. The Senator means the English version?

Mr. FORAKER. The English version of Order No. 115, which has been ordered printed as a document.

The PRESIDENT pro tempore. Does the Senator ask that it be printed as a document?

Mr. FORAKER. It has been ordered printed as a document, but I make the request that it be printed in the RECORD at the close of the speech of the Senator from Georgia as a part thereof.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The document referred to is as follows:

[Senate Document No. 369, Fifty-sixth Congress, first session.]

POSTAL CODE FOR THE ISLAND OF CUBA.

No. 115.]

HEADQUARTERS DIVISION OF CUBA.

Habana, July 21, 1899.

By direction of the military governor, the following postal code is hereby promulgated and declared to be the law relating to postal affairs in Cuba.

All laws and parts of laws heretofore and now existing in the island of Cuba inconsistent with the provisions of this order are hereby declared null and void.

SECTION 1.—Duties of director-general of posts.

The director-general of posts of the island of Cuba, appointed by the Postmaster-General of the United States, and subject to his authority, shall have control and management of the department of posts.

It shall be his duty to establish such general offices and bureaus and service in connection therewith as in his judgment may be necessary to the proper conduct of the business of said department, and to appoint persons to perform the duties appertaining thereto, and to fix their compensation; and he is hereby invested with the power to remove such persons when in his judgment the good of said service requires it;

To establish post-offices and discontinue the same when necessary, and appoint and remove postmasters and such other persons whose services may be connected with post-offices as may be necessary to properly conduct the business thereof;

To appoint all other persons employed in the transportation, collection, and delivery of the mails, and for the performance of any other duty which in his judgment may be required; to fix the compensation of each, and to remove such persons when in his judgment such action may be necessary;

To establish and promulgate rules and regulations not inconsistent with the rules and instructions promulgated by the Secretary of War under date of May 11, 1899; to carry into effect the Executive orders relating to the military government by the United States in the island of Cuba, or such amendatory or supplementary orders as may hereafter be issued for said purpose, for the collection and disbursement of the revenues arising in the department of posts of Cuba, and to keep or cause to be kept proper accounts of all such receipts and expenditures;

To enter into contracts or agreements for the transportation of the mails over post roads in said island, and to prescribe such rules and regulations as may in his judgment be necessary to the enforcement of such contracts or agreements;

To enter into all such other contracts and agreements as in his judgment may be necessary to the proper conduct of the service of said department in all its branches, and to establish and promulgate rules and regulations therefor; and

To prescribe all rules and regulations, not inconsistent with existing laws in said island or such laws as may hereafter be enacted or promulgated, as in his judgment may be necessary for the management and conduct of the business of said department, and to do all things that may be necessary to give full force and effect to the powers hereby vested in him; and the rules and regulations heretofore adopted and promulgated by him are hereby ratified and continued.

SECTION 2.—Bonds may be required of postmasters and others.

The director-general of posts is hereby authorized and empowered to require of postmasters, contractors, and all other persons employed in the department of posts, who shall be charged with the duty of handling or caring for money or property belonging to or in use by the department of posts, or who may be under contract for the performance of personal or other services connected therewith, or for the transportation of the mails, or for the furnishing of supplies, the execution of bonds with surety to be approved by him, conditioned for the faithful performance of such services in accordance with the laws, rules, and regulations of said department, or the furnishing of supplies according to the terms and conditions in said bonds set out.

SECTION 3.—Post roads.

All navigable streams and waterways in the island of Cuba, and all navigable waters surrounding said island, including the adjoining and near-by islands forming a part thereof, and within the maritime jurisdiction of said

islands, during the time the mails are carried thereon: all railroads and parts of railroads which are now or may hereafter be in operation; all public roads and highways while kept up and maintained as such; and all letter-carrier routes established in any city, town, or place for the collection and delivery of mail matter, are hereby declared to be post roads.

SECTION 4.—"Island of Cuba."

The term "island of Cuba," as used in the laws herein promulgated, shall be held to include all the mainland and islands adjoining, under the present government in control by virtue of the military occupation by the United States.

SECTION 5.—"Dollars."

The term "dollars," as used in the laws herein promulgated, shall be held to mean dollars in money of the United States of America, or their equivalent.

SECTION 6.—Conducting post-office without authority.

Whoever, without authority from the director-general of posts, shall set up or attempt or claim to keep any office or place of business bearing the sign, name, or title of post-office; or whoever, not being duly appointed a postmaster or other officer or employee of the service of the department of posts, shall establish or maintain, in any city, town, village, borough, or place at which a post-office has been or may hereafter be established, any office or other premises at, through, or from which mail matter shall be delivered or received for delivery or mailing, or at which boxes for the delivery of such mail matter shall be leased, rented, or sold; or whoever, not being authorized, as hereinbefore mentioned, shall establish or maintain in any such city, town, village, borough, or place any such office or premises as aforesaid, and for pay or hire, or otherwise, deliver or receive thereat for delivery any mail matter, or shall lease, rent, sell, or permit the use of boxes for the delivery of such matter, shall, for every such offense, be punished by imprisonment for not more than one year, or by a fine of not more than \$1,000, or by both such imprisonment and fine: *Provided*, That nothing in this section shall be construed to forbid the delivery or receipt for delivery of letters addressed to the office of any newspaper or periodical and intended for advertisers therein.

SECTION 7.—Unlawful exercise of office or employment.

Whoever shall willfully and knowingly intrude himself into any office or employment in the service of the department of posts to which he has not been appointed or employed or otherwise assigned or designated; or whoever, being a postmaster or other person employed in the service of the department of posts, shall willfully and knowingly and without authority exercise any of the functions of any such office or employment after his term of office or employment has expired by limitation of law or by removal, and shall refuse to surrender possession of any such office or employment, upon demand, to a special agent or other duly accredited agent of the department of posts acting under authority of the director-general of posts, or to a successor duly appointed and qualified upon presentation of his commission or credentials; or whoever, without authority from the director-general of posts, shall enter the working part of any post-office, being all that part which is not open to the public, or in any wise interfere with the transaction of business therein, or take possession of said office, or of any mail matter, records, or other property therein, shall be punished by imprisonment for not more than five years, or by a fine of not more than \$1,000, or by both such imprisonment and fine.

SECTION 8.—Falsely personating officer, etc., of department of posts.

Whoever, with intent to defraud either the department of posts of the island of Cuba or any person, falsely assumes or pretends to be an officer or employee acting under the authority of the department of posts of Cuba, or any officer thereof, and who shall take upon himself to act as such, or who shall in such pretended character demand or obtain from any person or from the department of posts of Cuba, or any officer or employee thereof, any money, paper, document, or other valuable thing shall be punished by a fine of not more than \$1,000 or imprisonment for not more than three years, or both of said punishments.

SECTION 9.—Falsely pretending to be in civil, military, or naval service of United States, etc.

Whoever, not being in the civil, military, or naval service of the United States, shall willfully represent himself to be in such service for the purpose of enabling him to send to or receive from the United States any mail matter at a less rate than that provided by law and the rules and regulations of the Post-Office Department of the United States or of the department of posts of Cuba for those not in such service shall for every such offense be punishable by a fine of not more than \$200 or imprisonment not to exceed sixty days, or both such fine and imprisonment.

SECTION 10.—Vessels, etc., claiming to be mail carriers.

Whoever shall paint, print, or in any manner place upon or attach to any steamboat or other vessel, or any stage coach or other vehicle, not actually used in carrying the mail the words "Cuban Mail" or "United States Mail," or any words, letters, or characters of like import; or whoever shall give notice by publishing in any newspaper or otherwise that any steamboat or other vessel, or any stage coach or other vehicle, is used in carrying the mail when the same is not actually so used, or whoever shall willfully aid or abet therein, shall for every such offense be punished by imprisonment for not more than one year or by a fine of not more than \$1,000, or by both such imprisonment and fine.

SECTION 11.—Conveyance of mail matter by private express forbidden.

Whoever shall establish any private express for the conveyance of letters, packets, packages, or other mail matter, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods over any post road which is or may be established by law, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, and whoever shall aid or assist therein, shall for every such offense be punished by imprisonment for not more than six months or by a fine of not more than \$500, or by both such imprisonment and fine: *Provided*, That nothing contained in this section shall be construed as prohibiting any person from receiving and delivering to the nearest post-office, postal car, or other authorized depository for mail matter any mail matter properly stamped.

SECTION 12.—Transporting persons unlawfully conveying mails.

Whoever, being the owner, in whole or in part, of any stage coach, railway car, steamboat, or other vehicle or vessel, or whoever, being the driver, conductor, master, or other person having charge of the same, shall knowingly convey or knowingly permit the conveyance of any person acting or employed as private express for the conveyance of letters, packets, packages, or other mail matter, and actually in possession of same for the purpose of conveying them, contrary to the spirit, true intent, and meaning of the law, shall for every such offense be punished by imprisonment for not more than six months or by a fine of not more than \$500, or by both such imprisonment and fine.

SECTION 13.—*Sending letters by private express.*

Whoever shall knowingly transmit by private express or other unlawful means, or knowingly deliver to any agent of such unlawful express, or knowingly deposit or cause to be deposited at any appointed place, for the purpose of being transmitted, any letter, packet, package, or other mail matter shall be punished by imprisonment for not more than six months or by a fine of not more than \$500, or by both such imprisonment and fine.

SECTION 14.—*Conveying letters over post roads.*

Whoever, being the owner, in whole or in part, or the driver, conductor, master, or other person having charge of any stagecoach, railway car, steamboat, or other vehicle or vessel which regularly performs trips at stated periods on any post road, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, and which shall carry, with the knowledge of such owner, driver, conductor, master, or other person in charge thereof, otherwise than in the mail, any letters, packets, packages, or other mail matter except such as relates to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle, except as otherwise provided, shall, for every such offense, be punished by imprisonment for not more than six months or by a fine of not more than \$500, or by both such imprisonment and fine.

SECTION 15.—*Carrying letters out of the mail on board vessel.*

Whoever shall carry any letter, packet, package, or other mail matter on board any vessel which carries the mail, otherwise than in such mail, except as otherwise provided, shall be punished by imprisonment for not more than three months or by a fine of not more than \$100.

SECTION 16.—*When letters may be carried out of the mail.*

All letters inclosed in stamped envelopes, if the postage stamp is of a denomination sufficient to cover the postage that would be chargeable thereon if the same were sent by mail, may be sent, conveyed, and delivered otherwise than by mail, provided such envelope shall be duly directed and properly sealed, so that the letter can not be taken therefrom without defacing the envelope, and the date of the letter or of the transmission or receipt thereof shall be written or stamped upon the envelope. But the director-general of posts may suspend the operation of this section upon any mail route where the public interest may require such suspension.

SECTION 17.—*Illegal carrying of mail by carriers and otherwise.*

Any person concerned in carrying the mail who shall collect, receive, or carry any letter, packet, package, or other mail matter, or cause or procure the same to be done contrary to law shall, for every such offense, be punished by imprisonment for not more than sixty days or by a fine of not more than \$50, or by both such imprisonment and fine.

SECTION 18.—*Wearing carrier's uniform without authority.*

Whoever not being connected with the service of the department of posts shall wear the uniform or insignia which may be prescribed by the director-general of posts, or any imitation or similitude thereof, shall for every such offense be punished by imprisonment for not more than six months, or by a fine of not more than \$100, or by both such imprisonment and fine.

SECTION 19.—*Injuring letter boxes or assaulting carrier.*

Whoever shall willfully injure, tear down, or destroy any letter box, pillar box, lock box, lock drawer, or other receptacle established by the director-general of posts for the safe deposit of matter for the mail, or for delivery, or who shall willfully or maliciously assault any letter carrier while engaged on his route in the discharge of his duty as a letter carrier, or shall, by force or violence, enter any railway post-office car, or an apartment in any railway car, steamboat, or other vessel or vehicle of any kind used in the mail service, or willfully and maliciously assault a railway postal clerk or other person in charge of the mails while engaged in the discharge of his duties, or shall willfully aid or abet therein, shall for every such offense be punished by imprisonment for not less than one year and not more than three years, and by a fine of not less than \$100 nor more than \$1,000.

SECTION 20.—*Injuring mail matter.*

Whoever shall willfully injure, deface, or destroy any mail matter deposited in any letter box, pillar box, lock box, lock drawer, or other receptacle established by the director-general of posts for the safe deposit of matter for the mail or for delivery, or shall willfully aid or assist in injuring such mail matter, shall be punished by imprisonment for not more than three years or by a fine of not more than \$500, or by both such imprisonment and fine.

SECTION 21.—*Injuring mail bags, etc.*

Whoever shall tear, cut, or otherwise injure any mail bag, pouch, or device or other thing used or designed for use in conveyance of the mail, or shall draw or break any staple or loosen any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail or any part thereof, or to render the same insecure, shall be punished by imprisonment for not less than one year nor more than three years, or by a fine of not less than \$100 nor more than \$500, or by both such imprisonment and fine.

SECTION 22.—*Stealing post-office property.*

Whoever shall steal, purloin, or embezzle any mail bag or other property in use by or belonging to the department of posts, or shall appropriate any such property to his own or any other than its proper use, or shall convey away any such property to the hindrance or detriment of the public service shall be punished by imprisonment for not less than one year nor more than three years, or by a fine of not less than \$200 nor more than \$1,000, or by both such imprisonment and fine.

SECTION 23.—*Stealing or forging mail locks or keys.*

Whoever shall steal, purloin, embezzle, or obtain by any false pretense, or shall aid or assist in stealing, purloining, or embezzling, or obtaining by any false pretense, any key suited to any lock adopted by the department of posts and in use on any of the mails or bags thereof, or any key to any lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter; whoever shall knowingly or unlawfully make, forge, or counterfeit, or cause to be unlawfully made, forged, or counterfeited, any such key, or who shall have in his possession any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, shall deliver or cause to be delivered any finished or unfinished lock or key used or designed for use by the department of posts, or the interior part of any such lock, to any person not

duly authorized under the hand of the director-general of posts and the seal of the department of posts to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be punished by imprisonment for not less than one year nor more than five years, or by a fine of not less than \$100 nor more than \$500, or by both such imprisonment and fine.

SECTION 24.—*Breaking into and entering post-office.*

Whoever shall forcibly break into or attempt to break into any post-office, or any building used in whole or in part as a post-office, with intent to commit therein any offense defined by law, or to steal or purloin any money or other property of, or in the custody of, or in use by, the island of Cuba, or the department of posts, shall be punished by imprisonment for not less than one year nor more than ten years.

SECTION 25.—*Detaining, secreting, embezzling, or destroying mail matter or contents.*

Whoever shall unlawfully detain, delay, or open any letter, postal card, packet, package, bag, or mail which has been in any post-office or branch post-office established by authority of the director-general of posts, or in any other authorized depository for mail matter, or in charge of any postmaster, assistant, clerk, carrier, agent, or messenger, or other person employed in any branch of the department of posts; or shall secrete, embezzle, or destroy any such letter, postal card, packet, package, bag, or mail; or shall take any such letter, postal card, packet, package, bag, or mail out of the post-office or branch post-office or from a letter or mail carrier, or which has been in any post-office or branch post-office, or in the custody of any letter or mail carrier before it has come into the actual possession of the person to whom it is addressed, or his duly authorized agent, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall secrete, embezzle, or destroy the same; or shall abstract or remove from any such letter, packet, package, bag, or mail any money or other article of value or writing representing the same; or shall buy, receive, or conceal, or aid in buying, receiving, or concealing any of the articles or things aforesaid, knowing such article or thing to have been stolen or embezzled from the mail, or out of any post-office or branch post-office or depository for mail matter, or from any person having lawful custody thereof, shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not less than one year nor more than five years, or by both such fine and imprisonment.

SECTION 26.—*Stealing, detaining, or destroying newspapers.*

Whoever, being a postmaster or other person employed in any branch of the department of posts, shall improperly detain, delay, embezzle, or destroy any newspaper, or permit any other person to detain, delay, embezzle, or destroy the same, or open or permit any other person to open any mail or package of newspapers not directed to the office where he is employed, and whoever shall open, embezzle, or destroy any mail or package of newspapers not being directed to him, and he not being authorized to open or receive the same, and whoever shall take or steal any mail or package of newspapers from any post-office or from any person having custody thereof, shall be punished by a fine of not more than \$100, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 27.—*Robbery of the mail.*

Whoever shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be punished by imprisonment for not less than five years nor more than ten years; and if convicted a second time of a like offense, or if in effecting such robbery the first time the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of a dangerous weapon, such offender shall be punished by imprisonment at hard labor for not less than twenty years, or for the term of his natural life.

SECTION 28.—*Assault with intent to rob.*

Whoever shall assault any person having lawful charge, control, or custody of any mail matter, with intent to rob, steal, or purloin such mail matter, or any part thereof, shall be punished by imprisonment for not less than two years or more than ten years.

SECTION 29.—*Deserting the mail.*

Whoever, having taken charge of any mail, shall voluntarily quit or desert the same before he has delivered it into the post-office at the termination of the route or to some known mail carrier, messenger, agent, or other person employed in any branch of the department of posts authorized to receive the same, shall be punished by a fine of not more than \$500, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment.

SECTION 30.—*Delivery of letters by master of vessel.*

The master or other person having charge or control of any steamboat or other vessel passing between ports or places in the island of Cuba, and arriving at any such port or place where there is a post-office, shall deliver to the postmaster or at the post-office within three hours after his arrival, if in the daytime, and if at night within two hours after the next sunrise, all letters, packets, packages, or other mail matter brought by him or within his power or control and not relating to cargo, addressed to or destined for any such port or place, for which he shall receive from the postmaster 2 cents for each letter delivered, and for all other mail matter such amount as may be prescribed by the director-general of posts, unless the same is carried under a contract or other agreement for carrying the mail; and for every failure so to deliver such letters, packets, packages, or other mail matter the master or the person having charge or control of such steamboat or other vessel, and the owner thereof, shall be punished by a fine of not more than \$150.

SECTION 31.—*Obstructing the mail.*

Whoever shall knowingly and willfully obstruct or retard the passage of the mail, or any railway train, car, steamboat, carriage, or other vehicle of any kind, or horse, driver, or carrier carrying the same, or shall arrest or detain upon any civil or criminal process, except for felony, any driver or person engaged in the transportation of the mails while in the discharge of his duties, shall for every such offense be punished by a fine of not more than \$100 or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 32.—*Delaying the mail at ferry.*

Whoever, being a ferryman or other person having charge or control of any ferry, shall delay the passage of the mail by willful neglect or refusal to transport the same across such ferry shall be punished by a fine of not more than \$100 or by imprisonment for not more than three months, or by both such fine and imprisonment.

SECTION 33.—*Vessels to deliver letters at post-office; oath.*

No vessel arriving within a port or collection district of the island of Cuba shall be allowed to make entry or break bulk until all letters, packages, and other mail matter on board are delivered to the nearest post-office and the master or other person having charge and control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

I, A. B. master — of the —, arriving from —, and now lying in the port of —, do solemnly swear (or affirm) that I have, to the best of my knowledge and belief, delivered at the post-office at — every letter and every bag, packet, parcel of letters, packages, or other mail matter which were on board the said vessel during her last voyage, or which were in my possession or under my power or control.

And any master or other person having charge or control of such vessel who shall break bulk before he has delivered such letters, packages, and other mail matter shall, for every such offense, be punished by a fine of not more than \$100, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

SECTION 34.—*Collection of unlawful postage.*

Whoever, being a postmaster or other person authorized to receive the postage of letters, packages, or other mail matter, shall fraudulently demand or receive any rate of postage or gratuity or reward other than is provided by law or the regulations of the department of posts for the postage of letters, packages, or other mail matter shall be punished by a fine of not more than \$100, or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 35.—*Removal and reuse of stamps.*

Whoever shall use or attempt to use in payment of postage any postage stamp or stamped envelope, or any stamp cut or removed from any such stamped envelope, which has been before used for a like purpose, or shall use or attempt to use in payment of postage any canceled postage stamp, whether the same has been before used or not, or who shall by any means remove or attempt to remove or assist in removing marks from any postage stamp or stamped envelope with intent to use the same in payment of postage, or shall with like intent remove from any letter or other mail matter deposited in or received at a post-office or other authorized depository of mail matter any stamp attached to the same in payment of postage, or shall knowingly have in his possession any postage stamp so canceled or removed, or from which such cancellation marks have been removed with intent to use the same, or shall sell or offer to sell any such stamp or stamps, or shall remove the superscription from any stamped envelope or postal card that has once been used in the payment of postage, with intent to use the same again for a like purpose, shall be punished for each offense by imprisonment for not less than six months nor more than three years, or by a fine of not less than \$100 nor more than \$500, or by both such imprisonment and fine.

SECTION 36.—*False returns to increase compensation.*

Whoever, being a postmaster or other person employed in any branch of the department of posts, shall make, or assist in making, or cause to be made, a false return, statement, or account to any officer of the department of posts for the purpose of fraudulently increasing his compensation or the compensation of the postmaster or other employee in a post-office shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment of not more than two years, or by both such fine and imprisonment.

SECTION 37.—*Unlawful pledging or sale of stamps.*

Whoever, being a postmaster or other person employed in any branch of the department of posts, and being intrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, shall issue or dispose of them in the payment of debts or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash, or sell or dispose of postage stamps or postal cards for any larger or less sum than the values indicated on their faces, or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the department of posts for like quantities, or sell or dispose of or cause to be sold or disposed of, postage stamps, stamped envelopes, or postal cards at any point or place outside of the delivery of the office where the postmaster or other person is employed, or induce or cause to be induced, for the purpose of increasing the emoluments or compensation of the office, any person to purchase postage stamps, stamped envelopes, or postal cards at the office where such postmaster or other person is employed when such person does not reside nor do business within the delivery of such post-office, or sell or dispose of postage stamps, stamped envelopes, or postal cards otherwise than as provided by law and the regulations of the department of posts, shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not more than one year, or both such fine and imprisonment.

SECTION 38.—*Failure to attach and cancel postage stamps on short-paid matter.*

Whoever, being a postmaster or other person engaged in the postal service, shall collect and fail to account for the postage due upon any article of mail matter which he may deliver without having previously affixed and canceled the stamp, as provided by the regulations of the department of posts, or shall fail to affix such stamp, shall be punished by a fine of not more than \$50 or by imprisonment for not more than two months, or by both fine and imprisonment.

SECTION 39.—*Obscene, etc., matter unmailable.*

Every obscene, lewd, lascivious, indecent, filthy, or vulgar book, pamphlet, picture, paper, letter, writing, print, or any publication of an indecent character, and every article or thing designed or intended for the prevention of conception or the procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use, and every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, of whom, or by what means any of the hereinbefore-mentioned matters, articles, or things may be obtained or made, or any letter, packet, package, or other mail matter containing any filthy, foul, or indecent article, device, or substance, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post-office or by any letter carrier; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any matter declared by this section to be nonmailable, or who shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating, or disposing thereof or of aiding in the circulation or disposition thereof, shall for every offense be punished by a fine of not more than \$5,000 or by imprisonment for not more than five years, or by both such fine and imprisonment.

SECTION 40.—*Libelous and indecent envelopes and other mail matter.*

All matter otherwise mailable by law upon the envelope or outside cover or wrapper of which, or any postal card upon which any delineations, epithets, terms, or language of an indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of a person, may be written or printed or otherwise impressed or apparent, are hereby declared nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the director-general of posts shall prescribe: *Provided*, That nothing in this law shall authorize any person to open any letter or sealed matter of the first class not addressed to himself, except by due authority of law; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, anything declared by this section to be nonmailable matter, or who shall knowingly take the same or cause the same to be taken from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall, for every such offense, be punished by a fine of not more than \$5,000, or by imprisonment for not more than five years, or by both such fine and imprisonment.

SECTION 41.—*Lottery, gift enterprise, etc., circulars, etc., unmailable.*

No letter, postal card, or circular concerning any lottery, so-called gift concert, or other enterprise offering prizes dependent upon lot or chance, and no list of the drawings at any lottery or similar scheme, and no lottery ticket or part thereof, and no check, draft, bill, money, or money order for the purchase of any ticket, tickets, or part thereof, or of any share or any chance in any such lottery or gift enterprise or scheme, shall be carried in the mail or delivered at or through any post-office or branch thereof, or by any letter carrier; nor shall any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery or gift enterprise of any kind offering prizes dependent upon lot or chance, or containing any list of prizes awarded at the drawings of any such lottery or gift enterprise, whether said list is of any part or of all of the drawings, be carried in the mail or delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of this section, or shall knowingly cause to be delivered by mail anything herein forbidden to be carried by mail, shall be punished by a fine of not more than \$500, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 42.—*Bringing lottery tickets into the country.*

Whoever shall cause to be brought within the island of Cuba from abroad for the purpose of disposing of the same, or depositing the same therein for the purpose of having them carried by the mails of the island of Cuba, any papers, certificates, or instruments purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, so-called gift concert, or other enterprise offering prizes dependent upon lot or chance, shall cause any advertisement of such lottery, so-called gift concert, or other enterprise offering prizes dependent upon lot or chance, to be brought into the island of Cuba or deposited in or carried by the mails of the island of Cuba, shall be punished for the first offense by a fine of not more than \$1,000, or by imprisonment for not more than two years, or by both fine and imprisonment, and for the second and subsequent offenses by imprisonment for not more than five years.

SECTION 43.—*Postmasters not to be lottery agents.*

No postmaster or other person employed in or otherwise connected with any branch of the department of posts shall act as agent for any lottery office or under any color of purchase or otherwise vend lottery tickets; nor shall he knowingly receive or send any lottery scheme, circular, or ticket. Whoever shall violate the provisions of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 44.—*Use of mails to promote frauds.*

Whoever having devised or intending to devise any scheme or artifice to defraud or for obtaining money or property by means of false and fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, bank note, paper money, or any obligation or security of the United States or of any State or Territory thereof, or of the island of Cuba, or of any province, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious article, or any scheme or artifice to obtain money by or through correspondence by what is commonly called the "sawdust swindle," or "counterfeit-money fraud," or by dealing or pretending to deal in what is commonly called "green articles," "green coin," "green goods," "bills," "paper goods," "spurious Treasury notes," "United States goods," "green cigars," or any other names or terms intended to be understood as relating to such counterfeit or spurious articles, to be effected by either opening or intending to open correspondence or communication with any person whether resident within or outside the island of Cuba, by means of the service of the department of posts, or by inciting or procuring such other person or any person to open communication with the person so devising or intending, shall, for the purpose of executing such scheme or artifice, or attempting so to do, place or cause to be placed any letter, packet, package, writing, circular, pamphlet, or advertisement in any post-office, branch post-office, or street or hotel letter box of the island of Cuba, or authorized depository for mail matter, to be sent or delivered by the service of the department of posts, or shall take or receive any such therefrom, or shall knowingly cause to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such letter, packet, package, writing, circular, pamphlet, or advertisement, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than five years, or by both such fine and imprisonment. And no letter, postal card, package, circular, pamphlet, advertisement, or other publication concerning or in any wise relating to any of the schemes, artifices, or devices hereinbefore described shall be carried in the mail, or delivered at or through any post-office or branch thereof, or by any letter carrier.

SECTION 45.—*Fictitious address.*

Whoever, for the purpose of conducting, promoting, or carrying on, in any manner, by means of the service of the department of posts of the island of Cuba, any scheme or device mentioned in the preceding section, or any other unlawful business whatsoever, shall use or assume, or request to be addressed by, any fictitious, false, or assumed title, name, or address, or name other than his own proper name, or shall take or receive from any post-office or branch post-office of the island of Cuba, or any other authorized depository of mail matter, any letter, postal card, packet, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own legal and proper name, shall be punished in the manner provided in the section last preceding.

SECTION 46.—Delivery of mail matter for lottery and fraudulent concerns, etc., may be refused.

The director-general of posts may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property, by lot, chance, or drawing of any kind, or that any person or company is conducting any scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or any other scheme to defraud, or is conducting through the mails any business or scheme for the sale, dissemination, distribution, or circulation in any wise of any obscene, lewd, lascivious, indecent, filthy, vulgar, or profane book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, or of any article or thing designed or intended for the prevention of conception or procuring of abortion, or of any other article or thing intended or adapted for any indecent or immoral use, instruct postmasters at any post-office at which ordinary and registered letters or other mail matter arrive, directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual, or as a firm, bank, corporation, or association of any kind, to return all such letters to the postmasters at the office at which they were originally mailed, with the word "Fraudulent" plainly written or stamped upon the outside thereof; and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the director-general of posts may prescribe: *Provided, however,* That where the names and addresses of the senders do not appear on any ordinary letters they shall be forwarded to the dead-letter bureau at Havana, to be returned to the writers in the usual way under such rules and regulations as the director-general of posts shall prescribe. But nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself, except in the dead-letter bureau as herein provided. The public advertisement by such person or company so conducting such lottery, gift enterprise, scheme, device, or business that remittances for the same may be made by letter to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the director-general of posts shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself.

SECTION 47.—Payment of money orders for lottery and fraudulent concerns, etc., may be refused.

The director-general of posts may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or any other scheme to defraud, or is conducting through the mails any business or scheme for the sale, dissemination, distribution, or circulation in any wise of any obscene, lewd, lascivious, indecent, filthy, vulgar, or profane book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, or of any article or thing designed or intended for the prevention of conception or procuring of abortion, or of any other article or thing intended or adapted for any indecent or immoral use, forbid the payment by any postmaster to said person or company of any postal money orders drawn to his or its order, or in his or its favor, or to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders. But this shall not authorize any person to open any letter not addressed to himself. The public advertisement by such person or company so conducting any such lottery, gift enterprise, scheme, device, or business that remittances for the same may be made by means of postal money orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the director-general of posts shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself.

SECTION 48.—Poisons and explosives nonmailable.

All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines and mechanical, chemical, and other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office or branch thereof, nor by any letter carrier: *Provided, however,* That the director-general of posts may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly of their own force dangerous or injurious to life, health, or property. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or whoever shall cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the director-general of posts, shall for every such offense be punished by a fine of not more than \$1,000, or by imprisonment for not more than two years, or by such fine and imprisonment; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or whoever shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the director-general of posts or not, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall for every such offense be punished by a fine of not more than \$5,000, or by imprisonment for not more than ten years, or by both such fine and imprisonment.

SECTION 49.—Counterfeiting money orders.

Whoever shall, with intent to defraud, forge, or counterfeit the signature of any postmaster, assistant postmaster, chief clerk, or clerk upon or to any money order or blank thereof provided or issued by or under the direction of the department of posts of the island of Cuba, of the United States, or any foreign country, and payable in the island of Cuba, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereon; or shall falsely alter, or cause or procure to be falsely altered in any material respect, or knowingly aid or assist in falsely so altering any such money order; or shall with intent to defraud pass, utter, or publish any such forged or altered money order, knowing any material

signature or indorsement thereon to be false, forged, or counterfeited, or any alteration therein to have been falsely made; or shall issue any money order without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the department of posts of the island of Cuba, or any officer, employee, or agent thereof, any sum of money whatever; or shall with intent to defraud the department of posts of the island of Cuba, or any person, transmit in person or present to, or cause or procure to be transmitted to or presented to any officer or employee, or at any office of the department of posts of the island of Cuba or elsewhere, any money order, knowing the same to contain any forged or counterfeited signature to the same, or to any material indorsement, receipt, or certificate thereon, or material alteration therein unlawfully made, or to have been unlawfully issued without previous payment of the amount required to be paid upon such issue, shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than five years, or by both such fine and imprisonment.

SECTION 50.—Counterfeiting postage stamps.

Whoever shall forge or counterfeit any postage stamps, or any stamp printed upon any stamped envelope, postal card, or any die, plate, or engraving thereof, or shall make or print, or knowingly use or sell, or have in possession, with intent to use or sell, any such forged or counterfeited postage stamp, stamped envelope, postal card, die, plate, or engraving, or shall make, or knowingly use or sell, or have in possession, with intent to use or sell, any paper bearing the watermark of any stamped envelope, postal card, or any fraudulent imitation thereof, or shall make or print, or authorize or procure to be made or printed, any postage stamp, stamped envelope, or postal card of the kind authorized and provided by the department of posts of the island of Cuba, without the special authority and direction of the said department, or shall, after such postage stamp, stamped envelope, or postal card has been printed, and with the intent to defraud, deliver the same to any person not authorized by an instrument in writing, duly executed under the hand of the director-general of posts and the seal of the department of posts, to receive them, shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not less than one year nor more than five years, or by both such fine and imprisonment.

SECTION 51.—Counterfeiting foreign stamps.

Whoever shall forge or counterfeit, or knowingly utter or use any forged or counterfeited postage stamp of the United States or any foreign government, shall be punished by a fine of not less than \$100 nor more than \$500 or be imprisoned for not less than one year nor more than five years, or by both such fine and imprisonment.

SECTION 52.—Inclosing higher class in lower class matter.

Matter of the second, third, or fourth class containing any writing or printing in addition to the original matter other than as authorized by the rules and regulations of the department of posts shall not be admitted to the mails, nor delivered, except upon payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed, unless by direction of the director-general of posts such postage shall be remitted; and whoever shall knowingly conceal or inclose any matter of a higher class in that of lower class, and deposit, or cause the same to be deposited, for conveyance by mail, at a less rate than would be charged for both such higher and lower class matter, shall for every offense be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

SECTION 53.—Affidavit by publisher, etc.

The director-general of posts, when in his judgment it shall be necessary, may prescribe, by regulation, an affidavit in form to be taken by each publisher of any newspaper or periodical publication sent through the mails, or of any employee of such publisher, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper as second-class matter, except to regular subscribers thereof or to news agents, and if such publisher, or employee of such publisher, when required by the director-general or any special agent or other authorized officer of the department of posts to make such affidavit, shall refuse so to do and shall thereafter, without having made such affidavit, deposit any newspapers in the mail for transmission as second-class matter, he shall be punished by a fine of not less than \$100 nor more than \$1,000; and if any person shall knowingly and willfully mail any mail matter as second-class matter, knowing the same not to be entitled to the rate prescribed for second-class matter, with the intention to avoid the payment of proper postage thereon, or if any postmaster or other person connected with the service of the department of posts shall knowingly permit any matter to be mailed without prepayment of postage, or shall permit any matter to be classified contrary to law and in violation of the rules and regulations of the department of posts, he shall be punished by a fine of not less than \$100 nor more than \$1,000, or imprisonment of not more than one year, or both fine and imprisonment.

SECTION 54.—False evidence as to second-class matter.

Whoever shall submit or cause to be submitted to any postmaster or to the department of posts, or any person employed in the service of said department, any false evidence relative to the character of any publication, for the purpose of securing the admission thereof at the second-class rate for transportation in the mail, shall for every such offense be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 55.—Misappropriation of money or property.

Whoever, being a postmaster, assistant postmaster, cashier, or other person employed in or in any way connected with the business or operations of any branch of the service of the department of posts, shall convert to his own use any money, postage stamps, stamped paper, or other property of the department of posts, or in the custody of, or in use by, said department, or postal money order, or other funds coming into his hands in any manner whatever, or any money or property which may have come into his possession or under his control in the execution of such office, employment, or service, or under color or claim of authority as such officer, employee, or agent, whether the same shall be the money or property of the department of posts or in the custody of or in use by said department or of some other person or party, or shall fail safely to keep any such money, stamps, stamped paper, postal money order, or other funds, or other property, whether the same is the property of the department of posts or in the custody of or in use by said department, or the property of some other person or party, when required so to do by law or the regulations of the department of posts, or

upon demand or order of the director-general of posts, either directly or through a duly authorized and accredited officer or agent of the department of posts, or shall advise or participate in any of the offenses defined in this section, shall for every such offense be punished by imprisonment for not less than six months nor more than ten years or by a fine in a sum equal to the amount embezzled, or by both such fine and imprisonment; and any failure to produce any money, postage stamps, stamped paper, postal money order, or other funds, or other property, whether the property of the department of posts or in the custody of or in use by said department, or the property of any other person or party, when required so to do as hereinbefore provided, shall be taken to be prima facie evidence of such offense. But nothing shall be construed to prohibit any postmaster from depositing, under the direction of the director-general of posts, in a bank designated by the director-general of posts for that purpose, or in any other place, provided the director-general of posts shall so specifically authorize, to his own credit as postmaster, any funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such banks or otherwise, when instructed or required to do so by the director-general of posts, for the purpose of remitting surplus funds from one post-office to another or to a designated depository.

SECTION 56.—Penalty for failure to enter into or perform contract.

Whoever, having presented a bid for the transportation of the mails upon any route which may be advertised to be let, and having received an award of the contract for such service, shall wrongfully refuse or fail to enter into contract with the director-general of posts in due form to perform the service described in his or their bid or proposal, or, having entered into such contract, shall wrongfully refuse or fail to perform such service, shall, for any such failure or refusal, be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. And the failure or refusal of any such person or persons to enter into such contract in due form, or, having entered into such contract, the failure or refusal to perform such service shall be prima facie evidence in all actions or cases of prosecutions arising under this section that such failure or refusal was wrongful.

SECTION 57.—Combinations to prevent bids.

No contract for carrying the mail shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for carrying the mail, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract; and if any person so offending is a contractor for carrying the mail, his contract may be annulled; and he shall be punished by a fine of not more than \$1,000 or imprisonment for not more than six months, or both such fine and imprisonment.

SECTION 58.—Postmaster illegally approving bond, etc.

Any postmaster who shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be punished by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 59.—Oaths of sureties.

Before the bond of a bidder for carrying the mail is approved there shall be, if required by the director-general of posts, indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever. Accompanying said bond and as a part thereof there may be a series of interrogatories, in print or writing, to be prescribed by the director-general of posts, and answered by the sureties under oath, showing the amount of real estate owned by them, a brief description thereof, and its probable value, where it is situated, and in what province or place the record evidence of their title exists. And if any surety shall knowingly and willfully swear falsely to any statement made under the provisions of this section, he shall be punished by a fine of not more than \$5,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment.

SECTION 60.—Use of official envelopes for private business.

Whoever shall make use of any official envelope authorized by law or the regulations of the department of posts to avoid the payment of postage on any private letter, package, or other matter in the mail shall be punished by a fine of \$300.

SECTION 61.—Offenses against foreign mail in transitu.

Every mail of the United States and every foreign mail shall, while being transported across the territory of the island of Cuba, be taken and deemed to be a mail of the island of Cuba so far as to make any violation thereof or depredation thereon, or offense in respect thereto, or any part thereof, an offense of the same grade and punishable in the same manner and to the same extent as though the mail was a mail of the island of Cuba.

SECTION 62.—Omission to take oath.

Every person employed in any branch of the department of posts, whether permanently or temporarily, shall be required to subscribe to such oaths as may be prescribed by the director-general of posts, but such persons shall be subject to all penalties for the violation of the law relating to such service, whether he has taken such oath or not.

SECTION 63.—Courts having jurisdiction to take cognizance of crimes against department of posts, etc.

Judges of the first instance and instruction shall have, and are hereby given, jurisdiction and authority to take cognizance of the offenses herein enumerated, and hear testimony and make investigation as is now provided by law in other offenses, and if they shall determine from the evidence presented that there is probable cause to believe that the party accused is guilty of the offense charged against him, they shall admit such person to bail, or in default of good and sufficient bail, commit him to jail to await the action of the criminal court having jurisdiction of the matter, as hereinafter provided.

Provided, That the offense shall have been committed in any part of the province in which the judicial district of the judge is located;

That the accused shall have been apprehended in any part of the province in which the judicial district of the judge is located, although the offense may have been committed elsewhere; and

That the accused shall have been apprehended out of the island of Cuba, and brought into the province in which the judicial district of the judge is located, without respect to where the offense may have been committed.

SECTION 64.—Courts having jurisdiction to try offenses against department of posts.

Criminal courts ("Audiencias de lo Criminal") shall have jurisdiction in all cases herein set forth when the offense shall have been committed in the judicial district in which the court now has, by law, criminal jurisdiction, or without reference to where the offense shall have been committed if the accused shall have been apprehended in said district, or if the accused shall have been brought into said district, provided he shall have been apprehended out of the island of Cuba.

ADNA R. CHAFFEE,
Brigadier-General, Chief of Staff.

Mr. PLATT of Connecticut. I do not suppose the Senator from Georgia desires a vote on his resolution at this time. There are some things which have been said by him in his very long and able speech which would seem to require a little notice, and I should like the resolution to lie over without losing its place.

Mr. BACON. I will not make any objection. I will ask the Senator, the chairman of the committee, to secure, for I know he can secure, a vote upon it at some early time.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the resolution offered by the Senator from Georgia lie on the table, holding its place, subject to the call of the Senator from Georgia.

Mr. BACON. Or any other Senator who may desire to speak to it.

The PRESIDENT pro tempore. Subject to call, then.

Mr. BACON. Yes, sir.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore. The senior Senator from New Jersey [Mr. SEWELL] asks to be excused from serving as a conferee on the bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901. Is there objection? The Chair hears none. The Chair will name Senator PROCTOR, of Vermont, to fill the vacancy.

LIFE-SAVING DISTRICTS.

Mr. ALDRICH. I ask that the Senate may consider, by unanimous consent, the bill (S. 2744) to create an additional life-saving district and authorizing certain changes in the serial numbers of existing districts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that beginning July 1, 1900, the coasts of Rhode Island and Fishers Island shall constitute the Third life-saving district, and the Secretary of the Treasury is authorized to appoint a superintendent of that district at a compensation of \$1,600 per annum.

The Secretary of the Treasury is authorized to make the following changes in the serial numbers of life-saving districts, to take effect July 1, 1900, namely: The coast of Long Island shall be known as the Fourth life-saving district; what is now known as the Fourth life-saving district shall become the Fifth life-saving district; what constitutes the Fifth life-saving district shall become the Sixth, and so on, consecutively, to the Twelfth life-saving district, which shall become the Thirteenth.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF DISTRICT BILLS.

Mr. McMILLAN. I ask unanimous consent that on Saturday a week the Senate may take up all District bills on the Calendar at that time to be considered. Some of them are very important. It is customary in the House to give the District one day in a week, and it is almost impossible to get a bill passed at this session. I ask unanimous consent that Saturday a week may be set aside for that purpose.

Mr. ALDRICH. That is subject to appropriation bills and conference reports?

Mr. McMILLAN. Oh, certainly.

The PRESIDENT pro tempore. The Senator from Michigan asks that on Saturday a week after the—

Mr. McMILLAN. The morning business.

The PRESIDENT pro tempore. After the routine morning business the day may be given to the consideration of bills reported from the Committee on the District of Columbia, not to interfere, however, with appropriation bills. Is there objection? The Chair hears none, and it is so ordered.

MAMIE CRAIG LAWTON.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 1936) granting a pension to Mamie Craig Lawton.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mamie Craig Lawton, widow of Henry

W. Lawton, late lieutenant-colonel, United States Army, and major-general, United States Volunteers, and pay her a pension at the rate of \$50 per month.

Mr. FAIRBANKS. I offer an amendment in line 4, on page 2, to insert "one hundred" in place of "fifty."

The SECRETARY. In line 4, page 2, it is proposed to strike out "fifty" and insert "one hundred," so as to read "\$100 per month."

Mr. GALLINGER. Mr. President, in reference to the proposed amendment, I desire simply to say, so that I may be consistent in the matter, that this bill was reported at \$50, that being the maximum that the Committee on Pensions is willing to recommend for the widow of any soldier, however distinguished he may have been. In the case of Mrs. Henry and the widows of one or two other general officers the Senate has in its wisdom amended the recommendation of the committee, making the rate \$100. In view of that fact I shall simply vote against the proposed amendment, being content to have the Senate act as it thinks may be wise in each particular case.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Indiana to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ACCOUNTS OF LABORERS UNDER THE EIGHT-HOUR LAW.

Mr. HARRIS. I ask unanimous consent for the present consideration of the bill (S. 69) providing for the adjustment and payment of the accounts of laborers and mechanics arising under the eight-hour law.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALDRICH. What committee does the bill come from?

Mr. HARRIS. It is reported from the Committee on Education and Labor. It is a unanimous report.

Mr. ALDRICH. I think it had better go over. I should like to examine it.

The PRESIDENT pro tempore. Objection is made. The bill will go back to the Calendar without prejudice.

PUBLIC BUILDING IN EAST ST. LOUIS, ILL.

Mr. CULLOM. I ask unanimous consent that the bill (S. 4270) to provide for the purchase of a site and the erection of a public building thereon at East St. Louis, in the State of Illinois, may be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of East St. Louis and State of Illinois, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of \$220,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEPARTMENT OF COMMERCE AND INDUSTRIES.

Mr. NELSON. The Committee on Commerce, in obedience to the universal demand throughout the country, have unanimously reported the bill (S. 738) to establish the department of commerce and industries. In view of this fact, I ask unanimous consent that that bill may be taken up for consideration next Monday after the close of the morning business.

Mr. ALDRICH. The Senator from Wisconsin [Mr. SPOONER] has given notice that he is going to address the Senate at that same time on the Philippine bill.

Mr. SPOONER. At 2 o'clock.

Mr. NELSON. I was not aware of that notice. Then I will make the request for next Tuesday.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Minnesota that the department of commerce bill shall receive consideration on Tuesday next after the routine morning business is completed?

Mr. PETTIGREW. Mr. President, I think I shall have to object to that request.

The PRESIDENT pro tempore. Objection is made.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I think in place of asking unanimous consent to have a bill passed I will make a request regarding the Pension Calendar. This morning consent was given that, under certain conditions, pension bills might be taken up next Saturday. The probabilities are that it will be impossible to execute that order, and I am now going to ask that at 4 o'clock this afternoon three-quarters of an hour may be devoted to the consideration of unobjectioned pension bills.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that at 4 o'clock three-quarters of an hour may be given to the consideration of unobjectioned pension cases. Is there objection? The Chair hears none. It is so ordered.

Mr. GALLINGER. I will waive my right to call up a bill, Mr. President.

HAWAIIAN POSTAL SAVINGS BANK.

Mr. DANIEL. I ask for the present consideration of the bill reported from the Committee on Foreign Relations authorizing the Secretary of the Treasury to settle the debt of Hawaii.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 4650) to amend and reenact an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

The PRESIDENT pro tempore. The bill has been read in full to the Senate. Is there objection to its present consideration?

Mr. PETTIGREW. I should like to hear the bill read through.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary proceeded to read the bill.

Mr. PETTIGREW. I shall object to the consideration of the bill at this time.

The PRESIDENT pro tempore. Objection is made to the consideration of the bill.

BATTLE MONUMENT AT TALLADEGA, ALA.

Mr. MORGAN. I ask leave to call up the joint resolution (S. R. 82) for erecting a monument to the soldiers who fell in the battle of Talladega, Ala., on the 9th day of November, 1813, and for other purposes.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$10,000 to enable the Secretary of War to have removed to a proper place of sepulture the remains of the volunteer soldiers who fell in action at the battle of Talladega, Ala., on the 9th of November, 1813, under the command of Maj. Gen. Andrew Jackson, commander in chief of the volunteer forces of Tennessee, and to erect to those soldiers a suitable monument to mark the place of burial.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. TIFFANY.

Mr. HARRIS. I ask unanimous consent for the present consideration of the bill (S. 3806) granting an honorable discharge to John W. Tiffany.

The Senate, by unanimous consent, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and hereby is, authorized and directed to revoke General Orders, No. 95, headquarters Department of Washington, July 13, 1865, approving and confirming the proceedings, findings, and sentence in the case of Second Lieut. John W. Tiffany, of Company H, Twenty-seventh Regiment Michigan Volunteers, so far as they relate to said John W.

Tiffany, and to disapprove said proceedings, findings, and sentence, and to issue to said Tiffany an honorable discharge as of date July 13, 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT SMITH AND WESTERN RAILROAD.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (H. R. 7740) to amend section 8 of the act of Congress entitled "An act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes."

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY VAN GELDER.

Mr. KEAN. I desire to call up the bill (S. 2819) granting an increase of pension to Henry Van Gelder.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and to insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Van Gelder, late of Company G, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEWPORT, VT.

Mr. ROSS. I ask unanimous consent for the present consideration of the bill (S. 4268) to increase the limit of cost for the purchase of site and the erection of a public building at Newport, Vt.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the amount heretofore fixed as a limit of cost for the purchase of site and erection of a building for the accommodation of the United States courts, post-office, custom-house, and other Government offices at the town of Newport, in the State of Vermont, to \$125,000, which sum is fixed as the limit of cost for the erection of the building, including the cost of the site therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH CROW TRIBE OF INDIANS IN MONTANA.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 3173) to ratify an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

OLIVIA M. CLIFFORD.

Mr. DEPEW. I ask unanimous consent for the immediate consideration of the bill (S. 2471) for the relief of Olivia M. Clifford.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs that the claim of Olivia M. Clifford for compensation for the alleged use and occupation by the United States, through its Corps of Engineers, of two certain docks or piers located in the Erie Basin at the city of Buffalo, in the State of New York, while engaged in building the new breakwater, from January 9, 1887, to July 8, 1891, be referred to the Court of Claims to hear and determine the same to final judgment, notwithstanding the bar of the statute of limitations, with the right of appeal as in other cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESURVEY OF LANDS IN NEBRASKA.

Mr. THURSTON. I ask unanimous consent for the immediate consideration of the bill (H. R. 2955) providing for the resurvey of township No. 8 of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DESERTIONS IN THE NAVY AND MARINE CORPS.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the bill (H. R. 969) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that chapter 890, volume 25, of the United States Statutes at Large, entitled "An act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," approved August 14, 1888, be revived and reenacted, and amends section 5 of the same act so as to remove the limitation of time within which applications for relief may be received and acted upon under the provisions of said act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TREATY RIGHTS OF ALIENS.

Mr. FORAKER. I intended to call up to-day the bill (S. 1580) to provide for the punishment of violations of treaty rights of aliens, but the Senator from Georgia [Mr. BACON], who is a member of the Committee on Foreign Relations, has requested that I call it up on another day. I now give notice—contenting myself with that—that at an early day I shall call up that bill and ask its consideration by the Senate.

GOVERNMENT PROPERTY IN SAN FRANCISCO, CAL.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 1897) to amend an act entitled "An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relinquish to the city and county of San Francisco all right and title of the United States to the following-described property, to be directed and controlled by the following-named commissioners, who shall become such commissioners by virtue of their office, the mayor and the district attorney of the city and county of San Francisco, the collector of the port and the judge of the United States district court, first judicial district, and the United States district attorney, the said property being the two 50-vara lots on which the old marine hospital now stands, fronting 275 feet on the north side of Harrison street, between Spear and Main streets, with a uniform depth of 137 feet 6 inches, as laid down on the official map of the city, to be used under the direction of the commissioners solely for the purpose of a sailors' home; but if the said property shall be at any time used for any other than the purpose aforesaid, all the right and title hereby relinquished shall revert back to and again vest in the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY LANE.

Mr. SEWELL. I ask unanimous consent for the present consideration of the bill (S. 1923) for the relief of Henry Lane.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke and set aside the special orders of the War Department, dated March 30, 1863, dismissing from the service, for absence without leave, Henry Lane, late first lieutenant Company F, Thirtieth Regiment New Jersey Volunteers, to date March 1, 1863, because he was then, and for weeks before had been, on duty in the field, and to grant him an honorable discharge as of date April 7, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIPS IN COASTING TRADE.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 4615) to facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. NELSON. I offer an amendment to the bill, to insert in line 6, after the name "Porto Rico," the words "and the Territory of Hawaii."

The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. It is proposed to amend, in line 6, after the name "Porto Rico," by inserting "and the Territory of Hawaii;" so as to make the bill read:

Be it enacted, etc., That the provisions of the act of June 5, 1894, entitled "An act to facilitate the entry of steamships," are hereby extended to steamships engaged in trading between ports of Porto Rico and the Territory of Hawaii and those of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to facilitate the entry of steamships engaged in the coasting trade between Porto Rico, the Territory of Hawaii, and the United States."

NORTHROP & CHICK AND THOMAS N. STINSON.

Mr. JONES of Arkansas. I ask unanimous consent that the Senate take up at this time the bill (H. R. 5552) for the relief of Northrup & Chick, and also of Thomas N. Stinson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to examine and adjudicate the claims of Northrup & Chick, and also of Thomas N. Stinson, late licensed Indian traders with the Pottawatomie Indians in Kansas, for supplies furnished said Indian band for their subsistence, and to determine whether anything is justly due them, and if so, the amount thereof, and whether there is any fund belonging to said Indians which can be applied to the payment of such claims; and if so determined, then to report and certify the amount found due to Northrup & Chick, and also to Thomas N. Stinson, without interest, to be paid from the funds of said Indians to the Secretary of the Treasury, to be so paid by him; and the receipt by said Northrup & Chick, and also by Thomas N. Stinson, or their representatives, of any amount found due them shall operate as a waiver and relinquishment of any claim for interest. It is further provided that the award by the Secretary of the Interior to Northrup & Chick shall not exceed the sum of \$3,529.98, and that to Thomas N. Stinson shall not exceed \$2,694.06.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE J. ARMS.

Mr. FORAKER. I ask unanimous consent for the immediate consideration of the bill (S. 403) for the relief of Theodore J. Arms, assistant paymaster in the United States Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Theodore J. Arms, assistant paymaster in the United States Navy, \$2,915.56, in full reimbursement for the sum paid by him to make up to the United States the loss which occurred by reason of the robbery of his safe at the United States naval station, San Juan, Porto Rico, March 10, 1899.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS S. DAVIDSON.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 1382) for the relief of Francis S. Davidson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 3, after the words "authorized to," to strike out:

Nominate and, by and with the advice and consent of the Senate, to appoint Francis S. Davidson, late first lieutenant, Ninth United States Cavalry, a first lieutenant, mounted, in the Army of the United States, and all laws in conflict herewith are suspended for this purpose only.

And to insert:

Revoke General Court-Martial Orders, No. 93, War Department, Adjutant-General's Office, Washington, November 15, 1875, approving and confirming the proceedings, findings, and sentence of the general court-martial which convened at Fort Brown, Tex., September 18, 1875, dismissing First Lieut. Francis S. Davidson, Ninth Cavalry, and to issue to him a certificate of discharge of that date: *Provided*, That no pay, bounty, or allowance shall be paid to him by reason of this act.

So as to make the bill read:

That the President be, and he is hereby, authorized to revoke General Court-Martial Orders, No. 93, War Department, Adjutant-General's Office, Washington, November 15, 1875, approving and confirming the proceedings, findings, and sentence of the general court-martial which convened at Fort Brown, Tex., September 18, 1875, dismissing First Lieut. Francis S. Davidson, Ninth Cavalry, and to issue to him a certificate of discharge of that date: *Provided*, That no pay, bounty, or allowance shall be paid to him by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. HAWLEY.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 1673) to grant an honorable discharge from the military service to Charles H. Hawley.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke the order dismissing Charles H. Hawley from the service as a second lieutenant of the Sixteenth Regiment of Connecticut Volunteer Infantry, and to issue a certificate of honorable discharge for him, to date from the 25th of January, 1863,

and that he shall hereafter be held and considered to have been honorably discharged from the military service of the United States on that date.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

The PRESIDENT pro tempore. By unanimous consent, at 4 o'clock the unobjected pension cases on the Calendar were to be considered.

Mr. MASON. Mr. President, would it be proper, under the rule, to ask unanimous consent to pass a bill which has been unanimously reported?

The PRESIDENT pro tempore. Unanimous consent was given that forty-five minutes should be devoted to the consideration of unobjected pension cases on the Calendar at this time. After the expiration of the forty-five minutes there may be an opportunity for Senators. The first pension bill on the Calendar will be stated.

LOUISE O'LEARY.

The bill (S. 2217) granting a pension to Louise O'Leary was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise O'Leary, widow of Charles O'Leary, late surgeon, United States Volunteers, and medical director Sixth Army Corps, and pay her a pension at the rate of \$50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRUDENCE REAMER.

The bill (S. 3729) granting an increase of pension to Prudence Tinney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Prudence Reamer, former widow of John D. Tinney, late of Battery E, West Virginia Volunteer Artillery, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Prudence Reamer."

WILLIAM F. RILEY.

The bill (H. R. 7975) granting an increase of pension to William F. Riley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Riley, of Company K, Fifth Tennessee Volunteers, Mexican war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. MCMASTER.

The bill (S. 3223) granting an increase of pension to W. R. McMaster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the initial "W" and insert "William," and in line 9, before the word "dollars," to strike out "fifty" and insert "forty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. McMaster, late of Company F, Eighth Regiment Iowa Volunteer Infantry, and Company I, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William R. McMaster."

ELIZA D. PENNYPACKER.

The bill (S. 2305) granting a pension to Eliza D. Pennypacker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Company," to strike out "of;" in line 8, after the word "Reserve," to strike out "Volunteers," and insert "Volunteer Infantry;" and in line 9, before the

word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza D. Pennypacker, widow of Nathan A. Pennypacker, late captain Company K, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY K. DAVIS.

The bill (S. 3624) granting a pension to Henry K. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private;" in the same line, after the name "Fitzki's," to strike out "company, Independent Pennsylvania Light Artillery," and insert "battery, Pennsylvania Emergency Militia;" and in line 9, before the word "dollars," to strike out "seventy-two," and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry K. Davis, late of Capt. Edward Fitzki's battery, Pennsylvania Emergency Militia, and pay him a pension at the rate of \$24 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. H. MACDONALD.

The bill (H. R. 8801) granting an increase of pension to William H. H. Macdonald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. H. Macdonald, late of Company L, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET L. HUGHES.

The bill (H. R. 4440) granting an increase of pension to Harriet L. Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet L. Hughes, widow of Chester K. Hughes, late major One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA WIEDERHOLD.

The bill (H. R. 2621) granting a pension to Ida Wiederhold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida Wiederhold, widow of Eberhard Wiederhold, late of Company F, Second United States Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILES W. TAYLOR.

The bill (S. 3056) granting an increase of pension to Giles W. Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Giles W. Taylor, late of Company F, Nineteenth Regiment New York Volunteer Infantry, and Company I, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD HARRIS.

The bill (H. R. 548) granting a pension to Edward Harris was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Edward Harris, who was wounded while assisting the United States marshal and a detachment of United States troops in an engagement with Bear Island Indians, Minnesota, October 5, 1898, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM FEEK.

The bill (H. R. 8799) granting an increase of pension to William Feek was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Feek, late of Company F, One hundred and eleventh Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FERGUSON M. BURTON.

The bill (H. R. 9163) granting a pension to Ferguson M. Burton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ferguson M. Burton, late of Company G, Sixty-seventh Regiment Illinois Volunteer Infantry, and Company C, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

Mr. GALLINGER. I desire that the committee amendment may be nonconcurrent in, and that the bill may be passed as it came from the House of Representatives.

The PRESIDENT pro tempore. The question is on the amendment reported by the Committee on Pensions.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES M. CELLAR.

The bill (S. 4261) granting a pension to Frances M. Cellar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances M. Cellar, widow of James D. Cellar, late of Company C, Fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCY E. DANILSON.

The bill (S. 4557) granting an increase of pension to Lucy E. Danilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy E. Danilson, widow of William H. Danilson, late major One hundred and twenty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lucy E. Danilson."

ANN E. CLUKE.

The bill (S. 2834) granting a pension to Anne M. Cluke was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Cluke, widow of James W. Cluke, late of Company I, Second Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ann E. Cluke."

WILLIAM T. GRATTON.

The bill (S. 4241) granting an increase of pension to William T. Gratton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Gratton, late of Company I, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN COOMBS.

The bill (S. 4105) granting an increase of pension to John Coombs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Heavy," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Coombs, late of Company H, Second Regiment Illinois Volunteer Heavy Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID H. DRAKE.

The bill (H. R. 9751) granting an increase of pension to David H. Drake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David H. Drake, late of Company H, Sixty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH SMITH.

The bill (S. 4552) granting an increase of pension to Joseph Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Smith, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL NICHOLS.

The bill (S. 1240) granting an increase of pension to Samuel Nichols was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Nichols, late of Company E, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL SCHUTZ.

The bill (S. 3512) granting an increase of pension to Samuel Schutz was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out "Schultz" and insert "Schutz;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Schutz, late of Company K, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel Schutz."

FREEMAN H. FARR.

The bill (H. R. 3490) granting an increase of pension to Freeman H. Farr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Freeman H. Farr, late sergeant, Company K, First Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY D. YOUNG.

The bill (H. R. 527) granting a pension to Lucy D. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy D. Young, foster mother of W. Harlan Young, late of Company I, First Illinois Infantry Volunteers, war with Spain, and to pay her a pension of \$12 per month:

Provided, That in the event of the filing of an application for pension by the father of the deceased soldier, this pension shall be suspended pending the settlement of the said application, and if the father is granted a pension the allowance to the foster mother under this act shall cease and terminate from the date of such suspension; otherwise payment of this pension shall be resumed from the date of such suspension, and shall continue in full force and effect.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL G. TRINE.

The bill (H. R. 4760) granting an increase of pension to Samuel G. Trine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel G. Trine, late first lieutenant Company B, Thirteenth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE Z. REPETTI.

The bill (S. 3954) granting an increase of pension to Caroline D. Repetti was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Z. Repetti, widow of Alexander Repetti, late lieutenant-colonel Thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Caroline Z. Repetti."

JOHN W. CRAIG.

The bill (S. 2286) granting an increase of pension to John W. Craig was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Illinois," to insert "Regiment," and in line 9, after the word "that," to strike out "which;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Craig, late of Company F, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC N. CISSNA.

The bill (S. 2755) granting a pension to Isaac N. Cissna was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N. Cissna, late of Company E, Twentieth Regiment of Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Isaac N. Cissna."

ANDREW J. ARNETT.

The bill (S. 1775) granting an increase of pension to Andrew J. Arnett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Arnett, late of Company B, Sixth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDYTH M. MUCK.

The bill (S. 4212) granting a pension to James M. Muck was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edyth M. Muck, widow of Anthony Muck, late captain Company I, Forty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of James M. Muck, the blind and dependent son of said Anthony Muck, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Edyth M. Muck."

JULIA VAN WICKLEN.

The bill (S. 3574) granting a pension to Julia Van Wicklen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Company," to strike out the letter "F" and insert "K;" and in the same line, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Van Wicklen, widow of Daniel Van Wicklen, late of Company K, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS T. PHILLIPS.

The bill (S. 2886) granting an increase of pension to Thomas T. Phillips was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas T. Phillips, late of Company K, Fortieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN D. MILLER.

The bill (H. R. 8389) granting an increase of pension to Martin D. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin D. Miller, late Company K, Thirteenth Regiment Kansas Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLSEY A. SLOANE.

The bill (H. R. 3778) granting an increase of pension to Ellsey A. Sloane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellsey A. Sloane, late of Company D, One hundred and second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BROOKINS.

The bill (H. R. 4429) granting an increase of pension to William H. Brookins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Brookins, late of Company B, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY W. HADLEY.

The bill (H. R. 8107) granting a pension to Nancy W. Hadley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy W. Hadley, widow of Edwin Hadley, late captain Company E, Twenty-sixth Regiment Michigan Volunteer Infantry, and to pay her a pension of \$17 per month, such pension to cease upon proof that the officer is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL FRISBEY.

The bill (S. 1052) granting an increase of pension to Rachel Frisbie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel Frisbey, widow of Elsy Frisbey, late of Company K, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Rachel Frisbey."

GEORGE W. HARRISON.

The bill (S. 3440) granting a pension to George W. Harrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Harrison, late captain and assistant quartermaster and brevet lieutenant-colonel, United States Volunteers, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Harrison."

WILLIAM H. LANE.

The bill (H. R. 5886) granting a pension to William H. Lane was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "a member," and in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Lane, late of Company D, Second Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

Mr. GALLINGER. I move to amend the amendment by inserting, in line 8, "fifteen" instead of "twelve."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EDWIN S. ANDERSON.

The bill (S. 993) granting an increase of pension to Edwin S. Anderson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin S. Anderson, late of Company A, Eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN ROOP.

The bill (S. 415) granting a pension to John Roop, late engineer, United States Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Roop, late first assistant engineer, United States Navy, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Roop."

ELIZABETH BROOKS.

The bill (S. 4288) granting an increase of pension to Elizabeth Brooks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Samuel," to insert "S." after the word "late" to insert "second;" in line 7, after the word "Carondelet," to insert "United States Navy;" and in line 9, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Brooks, widow of Samuel S. Brooks, late second assistant engineer U. S. gunboat *Carondelet*, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. C. KAIGLER.

The bill (H. R. 3514) granting an increase of pension to Mary A. C. Kaigler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. C. Kaigler, widow of William Kaigler, late of Company D, First Georgia Infantry Volunteers, Mexican war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. PORTER.

The bill (S. 952) granting a pension to Francis M. Porter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Porter, late of Company L, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Francis M. Porter."

SAMUEL DORNON.

The bill (S. 3343) granting an increase of pension to Samuel Dornon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private;" in line 7, after the word "Pennsylvania," to strike out "Infantry Volunteers" and insert "Emergency Militia;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Dornon, late of Company A, Fifty-fourth Regiment Pennsylvania Emergency Militia, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Samuel Dornon."

NELLIE L. PARSONS.

The bill (S. 2727) granting a pension to Nellie L. Parsons was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie L. Parsons, widow of H. Chester Parsons, late captain Company L, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMERICUS V. RICE.

The bill (S. 3890) granting an increase of pension to Americus V. Rice was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Americus V. Rice, late colonel Fifty-seventh Regiment Ohio Volunteer Infantry, and brigadier-general, United States Volunteers, and pay him a pension at the rate of \$60 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADAM VELTEN.

The bill (S. 3517) granting an increase of pension to Adam Velten was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to insert "Company B, Fifty-second Regiment New York Volunteer Infantry, and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Velten, late of Company B, Fifty-second Regiment New York Volunteer Infantry, and Company A, Seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GERTRUDE B. WILKINSON.

The bill (S. 4441) granting a pension to Gertrude B. Wilkinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gertrude B. Wilkinson, widow of Melville C. Wilkinson, late captain, Third Regiment United States Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Gertrude B. Wilkinson."

STEPHEN LONGFELLOW.

The bill (S. 4555) granting an increase of pension to Stephen Longfellow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Longfellow, late of Company H, Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

JAMES IRVINE.

The bill (S. 4420) granting an increase of pension to James Irvine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Irvine, late of Company G, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB W. MOOAR.

The bill (H. R. 3267) granting an increase of pension to Jacob W. Mooar was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Jacob W. Mooar, late acting assistant surgeon, United States Army, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to amend the bill by striking out "fifty," in line 7, and inserting "sixty;" so as to read "sixty dollars per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DORUS M. FOX.

The bill (H. R. 6494) granting an increase of pension to Dorus M. Fox was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dorus M. Fox, late colonel Twenty-seventh Regiment Michigan Volunteer Infantry, and to pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROXIE B. SALTER.

The bill (H. R. 7230) granting an increase of pension to Roxie B. Salter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Roxie B. Salter, widow of John I. Salter, late first lieutenant Company K, Eighth Regiment Minnesota Volunteer Infantry, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN RIPPLEMAN.

The bill (S. 4553) granting an increase of pension to Benjamin Rippleman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Rippleman, late of Company F, Fifteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAYER JENSEN.

The bill (S. 56) granting a pension to Sayer Jensen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private;" in line 7, after the word "Infantry," to insert "war with Spain;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sayer Jensen, late of Company G, First Regiment South Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN JOHNSON.

The bill (S. 946) granting a pension to Stephen Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Johnson, late of Company C, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of the pension he is now receiving.

Mr. GALLINGER. I move to amend the amendment by striking out, in line 9, the words "the pension" and inserting "that."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Stephen Johnson."

MARY C. WILLIAMS.

The bill (S. 2430) granting a pension to Mary C. Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Williams, widow of Thomas G. Williams, late first lieutenant, First Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE A. YOUNG.

The bill (S. 352) granting an increase of pension to Catherine A. Young was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine A. Young, widow of John L. Young, late of Captain Preston's company, First Regiment Virginia Volunteers, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Catherine A. Young."

GEORGE GARRETT.

The bill (H. R. 7418) granting an increase of pension to George Garrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Garrett, late of Company B, First Regiment Pennsylvania Volunteer Infantry, Company D, Sixth Regiment Pennsylvania Volunteer Infantry, and second lieutenant of Company H, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY B. DOUGLASS.

The bill (H. R. 1625) granting an increase of pension to Mary B. Douglass was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary B. Douglass, widow of the late Col. Henry Douglass, of the Tenth United States Infantry, and to pay her a pension of \$40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HESTER A. PHILLIPS.

The bill (S. 4128) granting a pension to Hester A. Phillips was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester A. Phillips, widow of Benjamin B. Phillips, late of Company K, Sixth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SYLVESTER SOLOMON.

The bill (S. 3991) granting an increase of pension to Sylvester Solomon, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sylvester Solomon, late of Company D, Fourth Regiment Delaware Volunteer Infantry, and to pay him a pension of \$25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELAM KIRK.

The bill (S. 2954) granting an increase of pension to Elam Kirk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private;" in line 7, before the word "Infantry," to insert "Volunteer;" and in line 8, before the word "and," to strike out "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Elam Kirk, late of Company G, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADA E. WHALEY.

The bill (H. R. 9643) granting a pension to Ada E. Whaley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ada E. Whaley, widow of Edward A. Whaley, late captain Company C, Sixth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH LOCKWOOD.

The bill (H. R. 4086) granting an increase of pension to Jeremiah Lockwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Lockwood, late second lieutenant Company K, Ninth Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OREN E. BARBER.

The bill (H. R. 4355) granting an increase of pension to Oren E. Barber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oren E. Barber, late of Company D, One hundred and tenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY EMILY WILCOX.

The bill (S. 4574) granting an increase of pension to Mary Emily Wilcox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Second," to strike out "of;" and in line 8, before the word "and," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Emily Wilcox, widow of John A. Wilcox, late lieutenant-colonel Second Regiment Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

Mr. VEST. I move to amend the amendment by striking out, in line 8, the word "twelve" and inserting "fifteen;" so as to read fifteen dollars per month.

Mr. GALLINGER. That amendment ought to be made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET R. CLUNE.

The bill (H. R. 8559) granting an increase of pension to Margaret R. Clune was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret R. Clune, widow of W. H. Clune, lieutenant-colonel Sixth Regiment Iowa Volunteer Infantry, and to pay her a pension of \$30 a month in lieu of that she is now receiving.

Mr. GALLINGER. In line 3 I move to insert "he," after the word "and;" in line 6, after the name "Clune," to insert the word "late;" and in line 8 to strike out the article "a" and insert "per."

The PRESIDENT pro tempore. The amendments proposed by the Senator from New Hampshire will be stated.

The SECRETARY. In line 3 it is proposed to insert "he," after the word "and;" in line 6, after the name "Clune," to insert the word "late;" and in line 8 to strike out the article "a" and insert "per;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret R. Clune, widow of W. H. Clune, late lieutenant-colonel Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EBEN E. PUSHOR.

The bill (S. 3522) granting an increase of pension to Eben E. Pushor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, to strike out the word "Unattached," after the word "and;" and after the word "ninth," in the same line, to insert "Unassigned Company;" in line 8 to strike out "twenty-

two" and insert "twenty;" and in line 9 to strike out the words "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eben E. Pushor, late of Company D, Fourth Regiment Maine Volunteer Infantry, and Ninth Unassigned Company Maine Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIUS VOGT.

The bill (H. R. 4398) granting a pension to Julius Vogt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julius Vogt, late of Company C, Seventy-first Regiment Enrolled Missouri Militia, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BATES.

The bill (H. R. 4649) granting a pension to William Bates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Bates, late of Company H, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERASMUS DARWIN STEEN.

The bill (H. R. 2634) granting an increase of pension to Erasmus Darwin Steen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Erasmus Darwin Steen, late first lieutenant of Company B, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMELIA A. TAYLOR.

The bill (H. R. 7180) granting an increase of pension to Amelia A. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cecelia B. Chauncey, widow of Bushrod B. Taylor, late captain, United States Navy, and to pay her a pension of \$35 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CECELIA B. CHAUNCEY.

The bill (H. R. 2708) granting an increase of pension to Cecelia B. Chauncey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cecelia B. Chauncey, widow of John St. Clair Chauncey, late commodore, United States Navy, and to pay her a pension of \$25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. That concludes the Pension Calendar.

RED RIVER BRIDGE.

Mr. HANSBROUGH. I ask unanimous consent to call up for present consideration the bill (H. R. 9884) authorizing the construction of a bridge across the Red River of the North.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in section 2, page 2, line 12, after the word "than," to strike out "is charged other parties for like privileges" and insert "the rate per mile paid for transportation over railroads or public highways leading to the said bridge;" so as to make the section read:

That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post roads in the United States, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes. And equal rights as to constructing and maintaining their lines over said bridge shall be granted to all telephone and telegraph companies desiring to use the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC-LAND ENTRYWOMEN.

Mr. MASON. I ask unanimous consent to call up the bill (S. 4020) to amend the act of Congress approved May 14, 1880, entitled "An act for the relief of settlers on the public lands."

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the third section of the act by adding thereto the following:

Where an unmarried woman who has heretofore settled, or may hereafter settle, upon a tract of public land, improved, established, and maintained a bona fide residence thereon, with the intention of appropriating the same for a home, subject to the homestead law, and has married, or shall hereafter marry, before making entry of said land, or before making application to enter said land, she shall not on account of her marriage forfeit her right to make entry and receive patent for the land: *Provided*, That she does not abandon her residence on said land, and is otherwise qualified to make homestead entry: *Provided further*, That the man whom she marries is not, at the time of their marriage, claiming a separate tract of land under the homestead law.

That this act shall be applicable to all unpatented lands claimed by such entrywoman at the date of passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS' HOME AT JOHNSON CITY, TENN.

Mr. BATE. I ask for the consideration of the bill (S. 3252) to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, in section 1, page 1, line 8, before the word "acres" to insert "hundred;" so as to make the section read:

That the Board of Managers of the Home for Disabled Volunteer Soldiers are hereby authorized and directed to locate a Branch of the Home at Johnson City, Washington County, Tenn., or within a radius of 5 miles thereof. The same shall not be located on a tract of land less than 300 acres in extent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. BATES AND JONATHAN A. YECKLEY.

Mr. PLATT of Connecticut. I ask unanimous consent for the consideration of the bill (H. R. 2824) to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXCLUSIVE JURISDICTION OF COURTS.

Mr. HOAR. I ask unanimous consent to call up the bill (S. 4618) relating to the exclusive jurisdiction of courts of the United States.

The Secretary read the bill, as follows:

Be it enacted, etc., That the jurisdiction vested in the courts of the United States shall be exclusive of the courts of the several States of all suits or proceedings against ambassadors, or other public ministers, or their domestic servants, or against consuls or vice-consuls.

Mr. HOAR. I ask that the report, which is very brief, be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the report will be printed in the RECORD.

The report, submitted by Mr. HOAR on the 14th instant, is as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 4618) relating to the exclusive jurisdiction of courts of the United States, submit the following report thereon:

The Constitution (Article III, section 2) provides that the judicial power of the United States shall extend "to all cases affecting ambassadors, other public ministers, and consuls;" and further, "in all cases affecting ambassadors, other public ministers, and consuls, the Supreme Court shall have original jurisdiction." The judiciary act (Statutes 1789, chapter 20) provides that the district courts shall have jurisdiction, exclusive of the courts of the several States, of all cases against consuls or vice-consuls, except for certain offenses therein enumerated. This exclusive jurisdiction remained in the courts of the United States, being affirmed by the statutes down to a period subsequent to the passage of the first edition of the Revised Statutes.

Section 711 enacted:

"The jurisdiction in the courts of the United States in the cases and proceedings hereinafter mentioned shall be exclusive of the courts of the several States. Eighth. Of all suits or proceedings against ambassadors or other public ministers, or their domestic or domestic servants, or against consuls or vice-consuls."

This was repealed by the statute of February 18, 1875, chapter 80 (an act to correct errors and to supply omissions in the Revised Statutes of the United States), as follows:

"Section 711 is amended by striking out the eighth paragraph."

The Revised Statutes were intended solely to reenact existing law with-

out change, and the statute of 1875, chapter 80, was intended to correct errors and supply omissions in the Revised Statutes of the United States in order more perfectly to accomplish that purpose. There was no intent, it is supposed, on the part of anybody to make any change in the law. How this particular provision came to be inserted it is needless now to conjecture.

But it has caused an uncertainty whether the jurisdiction of the courts of the United States is now exclusive or may be exercised concurrently with the State courts. *Bors vs. Preston* (111 U. S. 232) holds that the constitutional provision does not create a necessarily exclusive jurisdiction in the Supreme Court, and that the subordinate courts of the Union may be invested with that jurisdiction. And Chief Justice Taney, in *Gittings vs. Crawford* (1 Taney's Decisions), expresses a like opinion. Two suits have been instituted in State courts involving this question, one in Massachusetts and one in New York. The one in Massachusetts, against the Turkish consul, was disposed of by withdrawal of the consul's commission. The one in New York was a suit for libel against Mr. Olorowsky, the Russian consul-general. But the suit was abandoned on an investigation, by the counsel for the plaintiff, of the constitutional question.

Mr. Justice Miller, in his lectures on the judicial power of the United States, delivered in 1889-90, and published in 1891, after his death, says that every diplomatic representative, such as an ambassador or a minister or a consul, has a right to have any case affecting his rights tried in a Federal court. The same statement is made by Judge Cooley in his lectures on the constitutional history of the United States, delivered in 1889 before the University of Michigan. It is therefore probable that the courts will hold that the State courts have no jurisdiction in cases affecting ambassadors and other public ministers and consuls.

But it seems desirable to remove a doubt upon a question so important, an error in regard to which may seriously affect our international relations. It seems also that the reasons which have caused the same, exclusive of jurisdiction over cases affecting domestic servants, are still in force.

We therefore recommend that the clause in the statute repealed by mistake be restored and that the bill pass.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RANK AND PAY OF RETIRED OFFICERS.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (S. 3422) to adjust and equalize the rank and pay of certain officers of the Navy.

The Secretary read the bill.

Mr. DANIEL. I object to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Virginia objects.

Mr. PENROSE. I can explain it in a few words to the Senator.

Mr. DANIEL. I have no objection to listening to the Senator's explanation.

Mr. PENROSE. It is unanimously reported from the Committee on Naval Affairs. The Senator from New Hampshire [Mr. CHANDLER] has the figures, a little more accurately than I have, as to the beneficiaries and the small amount of expense entailed on the Government. I do not desire to press it at this time if the Senator persists in his objection.

Mr. CHANDLER. I think the bill is correct and right. Do I understand that the Senator from Virginia objects?

Mr. DANIEL. I object to its present consideration.

Mr. CHANDLER. Then I shall not undertake to debate it now.

The PRESIDENT pro tempore. The bill is objected to.

PUBLIC BUILDING AT FLORENCE, ALA.

Mr. MORGAN. I ask for the present consideration of the bill (S. 3754) for the erection of a public building at Florence, Ala.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Florence and State of Alabama, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of \$70,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL-SERVICE APPOINTMENTS.

Mr. PLATT of New York. I call up for consideration the bill (S. 283) in reference to the civil service and appointments thereunder.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee to Examine the Several Branches of the Civil Service with an amendment, in section 1, line 10, after the words "eighteen hundred and sixty-five," to insert "or in the recent war with Spain or in the Philippine Islands, they being otherwise duly qualified;" so as to make the section read:

Be it enacted, etc., That in every Executive Department of the United States Government, and in each and every branch thereof, whether reached by competitive or noncompetitive examinations under the civil-service laws (in which case the rules and regulations affecting the same shall so provide), honorably discharged soldiers, sailors, or marines who served as such between April 12, 1861, and August 23, 1865, or in the recent war with Spain or in the Philippine Islands, they being otherwise duly qualified, shall be certified and preferred for appointment to and retention in employment in the public service and for promotion therein. Age, loss of limb, or other physical impairment which does not in fact incapacitate shall not disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved. And persons thus preferred shall not be removed from their positions except for good cause, upon charges and after a hearing.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 2757) to authorize the purchase of certain lands in the district of Alaska.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 16,500 copies of the proceedings in Congress upon the acceptance of the statue of the late Oliver P. Morton presented by the State of Indiana.

The message further announced that the House had agreed, with amendments, to the concurrent resolution of the Senate to print 4,500 copies of Notes on the Spanish-American War, Office of Naval Intelligence, Navy Department, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9189) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes; further insists upon its disagreement to the amendments of the Senate to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. BINGHAM, and Mr. ALLEN managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. CUMMINGS managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2465) to grant an honorable discharge to George W. Shank.

NAVY-YARD BRIDGE AT WASHINGTON.

Mr. SULLIVAN. I ask for the present consideration of the bill (S. 3917) providing for the improvement of the Navy-Yard Bridge, Washington, D. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the first line and to insert:

hereby authorized and directed to rebuild the Navy-Yard Bridge over the Eastern Branch of the Potomac River in accordance with plans prepared under their direction and approved by the Secretary of War.

SEC. 2. That to begin the work the sum of \$100,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, one-half thereof chargeable to the revenues of the District of Columbia; and the Commissioners of said District are authorized to enter into contract for the completion of the work at a cost not to exceed \$275,000, to be paid from time to time as appropriations may be made by law.

So as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to rebuild the Navy-Yard Bridge over the Eastern Branch of the Potomac River, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the rebuilding of the Navy-Yard Bridge, Washington, D. C."

The preamble was agreed to.

COL. ANSON MILLS.

Mr. TURLEY. I ask unanimous consent for the present consideration of the joint resolution (S. R. 104) to amend the joint resolution permitting Anson Mills, colonel of Third Regiment, United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893.

There being no objection, the joint resolution was considered as in Committee of the Whole. It proposes to amend the joint resolution (Private, No. 1) approved December 12, 1893, so as to read as follows:

That Anson Mills, colonel Third Regiment United States Cavalry, having been nominated by the President and confirmed by the Senate as a commissioner of the United States under the convention between the United States of America and the United States of Mexico, concluded and signed by the contracting parties at the city of Washington March 1, 1889, is hereby permitted to accept and exercise the functions of said office of commissioner; *Provided,* Said officer shall continue to receive his emoluments in pay and allowances of his rank in the Army, while holding said office of commissioner, the same as he would receive were he performing such duty under military orders, and no other or additional pay or emoluments for his services as such commissioner.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPENSATION OF SURFMEN.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (S. 3530) to fix the compensation of surfmen employed in the Life-Saving Service of the United States. It is a bill of only half a dozen lines.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

Mr. McMILLAN. I hope the Senator will allow this bill to be considered.

Mr. CHANDLER. I withdraw the motion for the present.

The PRESIDENT pro tempore. The Senator from Michigan asks unanimous consent for the present consideration of the bill named by him, which will be read in full for the information of the Senate.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that on and after July 1, 1900, the compensation of surfmen employed in the Life-Saving Service for the time the stations are manned shall be fixed at \$65 per month each.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSITIONS DE BENE ESSE.

Mr. HOAR. I ask unanimous consent for the consideration at this time of the bill (H. R. 92) to amend section 864 of the Revised Statutes of the United States in relation to taking depositions de bene esse.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 864 of the Revised Statutes so as to read as follows:

SEC. 864. Every person deposing as provided in the preceding section shall be cautioned and sworn to testify the whole truth, and carefully examined. His testimony shall be reduced to writing or typewriting by the officer taking the deposition, or by some person under his personal supervision, or by the deponent himself in the officer's presence, and by no other person, and shall, after it has been reduced to writing or typewriting, be subscribed by the deponent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRED WEDDLE.

Mr. THURSTON. I ask unanimous consent for the consideration of the bill (S. 1794) for the relief of Fred Weddle.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve Fred Weddle, he having served in the Quartermaster's Department of the United States Army during the war of the rebellion, and with the Regular Army before the late war, from any disability under the laws of the United States from any defect of naturalization,

and authorizes him to prosecute Indian depredation claim No. 686, now pending in the United States Court of Claims, and to receive judgment therein the same as if he had been naturalized under the laws of the United States at the date of the loss.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TALTON T. DAVIS.

Mr. HARRIS. I ask unanimous consent for the consideration at this time of the bill (S. 2371) to correct the military record of Talton T. Davis.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion now borne on the records of the War Department against Talton T. Davis, of Marion, Kans., late of Company H, Twenty-first Regiment Kentucky Volunteer Infantry, and to issue to him an honorable discharge, to date from the 8th of October, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH PITT, ALIAS JOSEPH MARR.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

Mr. PENROSE. I ask the Senator to yield to me for the consideration of a very short bill, which will take but a minute.

Mr. CHANDLER. What is the bill?

Mr. PENROSE. It is a bill to correct a naval record.

Mr. CHANDLER. I yield for that purpose.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill which will be read in full for the information of the Senate.

The Secretary read the bill (S. 409) to correct the naval record of Joseph Pitt, alias Joseph Marr, of the United States steamers *Princeton* and *Sassacus*, and to erase the name of Joseph Marr and substitute the name of Joseph Pitt on the records of the United States Navy; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Navy to remove from the record of the United States Navy the charge of desertion standing against the record of Joseph Marr, as of October 1, 1865, and substitute for the name of Joseph Marr the true name of the sailor, the name of Joseph Pitt, who served as landsman on the United States steamers *Princeton* and *Sassacus*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 17, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 16, 1900.

CONSUL.

Charles S. Winans, of Michigan, to be consul of the United States at Iquique, Chile, vice Joseph W. Merriam, deceased.

COLLECTOR OF CUSTOMS.

Joseph C. Bonner, of Ohio, to be collector of customs for the district of Miami, in the State of Ohio, to succeed John H. Puck, whose term of office has expired by limitation.

POSTMASTER.

Howard K. Sanderson, to be postmaster at Lynn, in the county of Essex and State of Massachusetts, in the place of E. Knowlton Fogg, deceased.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Forty-second Infantry.

First Sergt. Thomas Carl, Company A, Forty-second Infantry, United States Volunteers, to be second lieutenant, May 9, 1900, vice Weber, deceased.

To be assistant quartermasters with the rank of captain.

Kensley J. Hampton, of Kentucky, May 9, 1900, vice Burnside, resigned.

First Lieut. Peter W. Davison, Twenty-second Infantry, United States Army, May 12, 1900, vice Kinnison, resigned.

PROMOTION IN THE ARMY.

Infantry arm.

Capt. William W. McCammon, Fourth Infantry, to be major, May 12, 1900, vice Rockefeller, Sixth Infantry, missing since April 28, 1899, and supposed to be dead.

CONSULS.

Harry P. Dill, of Maine, now commercial agent of the United States at Port Hope, Ontario, Canada, to be consul at that place.

Ernest A. Wakefield, of Maine, now commercial agent of the United States at Orillia, Ontario, Canada, to be consul at that place.

APPOINTMENT IN THE VOLUNTEER ARMY.

To be assistant commissary of subsistence with the rank of captain.

First Lieut. Henry G. Cole, Twenty-third Infantry, United States Army, May 15, 1900, vice Logan, honorably discharged.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 16, 1900.

POSTMASTERS.

William E. Scott, to be postmaster at Jeannette, in the county of Westmoreland and State of Pennsylvania.

Henry F. Whittenhall, to be postmaster at Greene, in the county of Chenango and State of New York.

James H. Throop, to be postmaster at Norwich, in the county of Chenango and State of New York.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 16, 1900.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

VIEWS OF MINORITY ON H. R. 10539 AND H. J. RES. 138.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that members of the Committee on the Judiciary who are opposed to H. R. 10539, reported from that committee, and those opposed to House joint resolution 138, also reported from that committee, have until Saturday, the 19th, to file their views, such privilege to extend to those only who are opposed to the bill or to the joint resolution, respectively.

It was suggested in the committee yesterday, and I think it is all right to state the fact, that I should ask unanimous consent for five days. Counting yesterday, Saturday would be five days. The gentleman from Arkansas [Mr. TERRY] says that the minority would like until Monday. He thinks that would be fairer and more in accordance with the agreement; and if the gentleman from Arkansas insists upon that, I will modify my request and make it Monday, the 21st.

Mr. TERRY. Mr. Speaker, we have no desire to delay this matter any longer than may be absolutely necessary. We only regret that this report has not been brought in sooner; but it is due to the minority to state that the bill as finally reported by the majority contains many features that we have not been advised of, neither in the subcommittee or in the whole Committee of the Judiciary, until yesterday.

Mr. LANHAM. It never had been printed in full, either, I will state.

Mr. TERRY. The bill as finally reported had never been entirely printed; neither were there even typewritten copies that we could obtain, so that we could act intelligently in presenting amendments, and we do not know now exactly what the features of the bill are. We have not had a copy of it until this morning, and under the circumstances I will ask the gentleman from New York, did he file the report on the bill yesterday?

Mr. RAY of New York. We did not get it drawn until in the evening. The report on the constitutional amendment was filed yesterday.

Mr. LANHAM. May I suggest to my colleague—

Mr. RAY of New York. I do not see any necessity for all this talk. The bill reported from the committee has been printed for months, was before the subcommittee and reported to the full committee, and has been there for nearly three weeks.

Mr. TERRY. That is a different bill.

Mr. RAY of New York. The gentleman undoubtedly refers to the amendments. The amendments adopted by the committee were nearly all reported by the subcommittee three weeks ago.

Mr. TERRY. The bill with the amendments to it—

The SPEAKER. Gentlemen will both suspend until the request of the gentleman from New York is submitted to the House.

Mr. RAY of New York. I will modify it—

The SPEAKER. The gentleman will suspend a moment until his request is stated to the House. The request, as submitted by the gentleman, will be reported by the Clerk.

The Clerk read as follows:

I ask unanimous consent that members of the Committee on the Judiciary who are opposed to H. R. 10539, reported from that committee, and those